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HANSARD'S
PARLIAMENTARY
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

5° VICTORIÆ, 1842.

VOL. LXI.

COMPRISING THE PERIOD FROM

THE FOURTH DAY OF MARCH,

TO

THE SIXTH DAY OF APRIL, 1842.

Second Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

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1842.

TABLE OF CONTENTS.

TO

VOLUME LXI.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.

I. Subjects of Debate in the House of Lords.

Page

March 4. Invasion of Spain—Question 1
Sir Robert Kennedy—Question 7
Exchequer Bill Fraud—Motion for a Select Committee to inquire into the Forgery of Exchequer Bills 9

7. Bankruptcy Laws—Ecclesiastical Courts—Question ... 120
Possession of Algiers—Misunderstanding between the French and English Ministers—Question 121
The late Admiralty—Explanation and defence of the proceedings of the late Amiralty 125

8. Marriage Law (Ireland)—Committee to inquire into the subject appointed—A Bill read a second time and referred to the Committee 203
Law of Evidence—Bill read a first time 208

10. Marriage Law (Ireland)—Petition 409
The Earl of Aberdeen—The French Ambassador—Question 410
Education (Ireland)—Question 410
Poor Law Returns—Use of Machinery—Motion for Returns —Effect of Machinery in diminishing employment ... 412
Baptists Affirmations—Bill read a first time 418
14. Marriage Law (Ireland)—Report from the Select Committee 501
Spain—The French Ambassador—Question 502
Income-tax—Resolutions to be proposed by Lord Brougham 507
Bankrupts—A Bill read a first time 509
Finance Petitions 510

1842 *Page*

March 15. Marriage Law (Ireland)—Postponement of the Bill ... 583

17. Poor-law—Question 723
Income-tax—Finance of the Country—Lord Brougham's Resolution 723

18. Oaths—A Petition 835
Duties on Timber—Question 836

21. Easter Recess—Adjournment 930

22. Mechanics Institution—Petition to be exempted from the Income-tax 1026

II. Subjects of Debate in the House of Commons.

March 4. Importation of Corn from America—Explanation ... 42
Losses at Portendic—Question 43
Effect of Corn—Averages on Tithes—Question ... 43
Corn Averages—Additional Towns—Question ... 44
Corn-laws Ministerial Plan—First reading of the Corn Importation Bill—Explanations as to the averages ... 44
The Manufacturers—The Truck system—Explanation—Petition 47
Financial statement—Course to be pursued 57
Catholic Sailors and Soldiers—Motion for Returns relative to their religious instruction 59
Invasion of Spain—Question 61
Supply—Navy Estimates—State of the Navy—Plans for Improving it—Votes for the number of Seamen and the Admiralty 69

7. Operation of the New Corn Law—Question ... 136
Retiring Pensions to Naval Officers—Question ... 137
Possession of Algiers—A Despatch laid on the Table ... 137
Banking—Question 138
The Master Manufacturers—Explanation 140
Party Crimes (Ireland)—Motion for Returns ... 152
Supply—Army Estimates 155
Supply—Navy Estimates—Case of Mr. Elton ... 181

8. Marylebone Paving Bill—Second reading postponed ... 219
Consular Establishments—Resolution relative to the Diplomatic and Consular services 220
Burying the Dead in Towns—Motion for a Select Committee 281
The Marriage Law—Motion for Leave to bring in a Bill to alter the Marriage Law—Debate adjourned ... 283
Petty Sessions—Leave to bring in a Bill 293

9. Bonding Flour—Question—Course of proceeding ... 300
The Spy system—Question 300
Distress—Manufacturing Districts—Question ... 302
Forged by Exchequer Bills—Bill—Question ... 303
Caledonian Canal—Report—Question 303
Overloading of Timber Ships—Question 303
Corn-laws—Importation Bill — Second reading—Division Lists, &c. 304

11. Colonial Passengers Bill—Committee on the Bill postponed 419
West India Bishoprics—Question 420

1842 Page

March 11. Southampton Election—Resolution declaring a Vacancy ... 420
Affairs of India—Defeat in Cabool—Question ... 421

Financial statement—Ways and Means—Explanation of the Financial State of the Country—Proposed plans of Ministers—Tax on Income—Alterations in the Tariff—Resolutions moved in Committee of Ways and Means ... 422
West India Clergy—Committee on the Bill—Amendment—Division Lists, &c. 490
Exchequer Bills—Loan Act—Resolution to enable her Majesty to lend money for public works 497

14. Taxes in Foreign Countries—Question 511
Tax on Railways—Question 512
South Australia—Question 512
Rural Police—Question 512
New Corn Law—Question 513
The Income Tax—Right of Petitioning—Question ... 513
Forgery of Exchequer Bills—Question 513
Spain—The French Ambassador—Question 514
Corn-law Burdens on Land—Motion for a Select Committee to inquire into the peculiar burdens on Land—Division Lists, &c.—Committee on the Corn Importation Bill ... 519

15. National Floating Breakwater—Second reading of the Bill... 584
Marylebone Paving Bill—Second reading of the Bill ... 585
New Tariff—Questions—Duties on Tin 594
Income-tax—Machinery—Question 594
Anglo Portuguese Legion—Question 598
Salford Gaol—Mr. Bagshawe—Explanation 598
Percussion Muskets—Question 604
Special or Petty Sessions—Bill read a first time ... 605
The Chinese War—Question 608
Quarantine—Address to her Majesty 608
The Church of Scotlaud—Motion for an Address to the Crown 618
Bonded Corn—Resolutions in a Committee 646
Constitution of the Church of Scotland—Motion for a Committee of Inquiry—Division Lists, &c. 646
The Truck System—Motion for Returns 655

16. The Income-tax—Pensions—Her Majesty—Question—Her Majesty's intention to submit to the Tax 659
The Caledonian Canal—Question 660
Prison Discipline—Catholics and their Clergymen ... 660
Charges against the Manufacturers—The Truck System—Explanation 661
Copyright of Designs—Second reading of the Bill ... 667
Copyright—Bill read a second time 694
Marriages—Adjourned Debate resumed—Division Lists, &c. 695
Child Murder—Motion for Returns 722

17. Edinburgh and Glasgow Railway—Motion to add Members to the Committee 756
Election Committees—Absence of a Member—Mr. Howard ordered into the Custody of the Serjeant-at-Arms ... 757
Army in India—Question 758
Revenue Commission—Question 759
Compensation for Opium Seized by the Chinese—Motion for an Address to the Crown—Division Lists, &c. ... 759
Inspectors of County Lunatic Asylums—Motion for Leave to bring in a Bill 797

1842 Page
March 17. New Poor-law—Gilbert Unions—Motion for a Committee of Inquiry—Division Lists, &c. 807
Anti-Corn-law Conference—Motion for Papers ... 833
Export of Coals—Motion for Papers 834
Caledonian Canal—Appointment of a Select Committee ... 835
18. Errors in the Tariff—Question 838
Duties on Fish—Question 838
Charitable Funds—The Income-tax—Question ... 838
Fisheries (Ireland)—Question 839
The Income-tax—Resolutions in Committee of Ways and Means—Debate adjourned 839
21. Lewes Election—Report of the Committee 930
Clitheroe Election—Report of the Committee ... 931
Severn Navigation—Bill Reported 931
Customs' Duties—The Tariff—Question 934
Scotch and Irish Paupers—Question 935
Confiscated Opium—Question 936
Education (Ireland)—Question 936
Stade Duties—Question 937
Revenue Commission—Question 937
Marriages (Ireland)—Question 937
Duties on Cattle—Question 938
Ministers' Financial Plans—Public Business—Complaint—Demand for Time 939
The Income-tax—Committee of Ways and Means—Adjourned Debate resumed 944
22. Yarmouth and Norwich Railway—Second reading of the Bill—Division Lists, &c. 1027
Magistracy of Dorsetshire—Quarter Sessions—Explanation 1029
Clitheroe Election—Intimidation of Witnesses—John Ashworth Discharged 1032
State of the Navy—Resolutions moved by Sir C. Napier—Division Lists, &c. 1034
Death of James Flanaghan—Motion for Returns ... 1072
The Rural Police—Motion for Returns—Conduct in Norfolk 1078
The Poor Law—Gilbert Unions—Motion for Returns ... 1084
West Indies — Africa — Emigration — Appointment of two Committees to inquire into these subjects 1092
Adjournment — Corn-law — Income-tax — Business of the House 1108
23. The Tariff—Question 1110
Timber Duties—Question 1111
Easter Adjournment—Motion to Adjourn to April 4th ... 1113
The Bishop of Jerusalem—Question 1114
Temperance (Ireland)—Question 1115
Church Extension—Question 1115
Copyright—Bill Committed *pro forma* 1116
Forgery of Exchequer Bills—Question 1117
Income-tax — Committee of Ways and Means—Adjourned Debate resumed—Further adjourned 1118
April 4. The New Tariff—Questions 1219
Forged Exchequer Bills—Committee 1221
Income-tax—Committee of Ways and Means—House again in Committee—Debate resumed—Resolution agreed to ... 1252
Mutiny Bill—Report 1290
5. Southwark Improvements—Report on the Bill (No. 2) postponed—Division Lists, &c. 1290

April 5. Regulation of Turnpike Trusts—Leave given to bring in a Bill 1292
Barristers (Ireland)—Leave given to bring in a Bill ... 1294
The Floating Breakwater—Motion for Returns ... 1295
Corn Importation Bill—Committee—Division Lists, &c. ... 1297

6. Cheltenham and Great Western Union Railway Bill—Report—Division Lists, &c. 1339
Barracks—Motion for Returns—Explanation ... 1348
Ransom of Canton—Question 1348
Copyright—Recommittal of the Bill—Amendments—Division Lists, &c. 1348
Public Houses Bill—Bill postponed 1403
Corn Importation Bill—Reported 1403
Timber Ships—Resolutions passed in Committe for a Bill to Prevent Vessels Loading Timber on Deck ... 1405

III. Lists of the Divisions.

March 7. The Ayes and the Noes on reducing the Vote of Money for the Guards in Committee on Army Estimates ... 178
The Ayes and the Noes on the Vote for the Volunteer Corps 179

9. The Ayes and the Noes on the Second Reading of the Corn Importation Bill 405

11. The Ayes and the Noes on Appointing three Bishops in the West Indies 496

14. The Ayes and the Noes on Appointing a Committee to inquire into the Burdens on Land 572
The Ayes and the Noes on Reporting Progress on the Corn-law 581

15. The Ayes and the Noes on the Second Reading of the Marylebone Paving Bill 591
The Ayes and the Noes on a Motion for a Committee to inquire into the Constitution of the Church of Scotland ... 653

16. The Ayes and the Noes on Leave to bring in a Bill to Alter the Marriage Law 720

17. The Ayes and the Noes on adding Members to the Glasgow Railway Committee 757
The Ayes and the Noes on an Address to the Crown to Award a Compensation for Opium Seized in China 795
The Ayes and the Noes on a Select Committee to inquire into the New Poor-law, and the Gilbert Unions 833

21. The Ayes and the Noes on the Question that the Chairman Report Progress in Committee of Ways and Means—Income-tax 1009
The Ayes and the Noes on a second similar division ... 1019

22. The Ayes and the Noes on the Second Reading of the Yarmouth and Norwich Railway Bill 1029
The Ayes and the Noes on Sir Charles Napier's Resolutions on the State of the Navy—Division Lists, &c. ... 1069—1070
23. The Ayes and the Noes on Reporting Progress in Committee on Ways and Means—The Income-tax—Resolution ... 1212

TABLE OF CONTENTS.

1842 *Page*

March 23. The Ayes and the Noes on a second division on a similar Question 1215
The Ayes and the Noes on a Clause to be added to the Forged Exchequer Bills Bill 1251

April 5. The Ayes and the Noes on Receiving the Report of the Southwark Improvements Bill (No. 2) 1291
The Ayes and the Noes on the 27th Clause of the Corn Importation Bill 1330
The Ayes and the Noes on the 29th Clause of the same Bill 1332

6. The Ayes and the Noes on the Report of the Cheltenham and Great Western Railway Bill 1346
The Ayes and the Noes on Clauses of the Copyright Bill in Committee—Five divisions ... ... 1397—1402

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *SECOND SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 3 FEBRUARY, IN THE FIFTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, March 4, 1842.

MINUTES.] BILLS. *Public.*—1ª· Marriages (Ireland).

PETITIONS PRESENTED. By the Marquess of Headfort, from Strabane, and other places in the North of Ireland, to Legalize certain Marriages by Dissenters.—By a noble Lord, from Millers of Armagh, against the Importation of Flour and Oatmeal into Ireland.—By a noble Lord, from Millers of Todmorden, and Hebden-bridge, to Encourage the Importation of Grain in Preference to that of Flour.—By the Earl of Clarendon, from Earlstown, and Arbroath, for the Repeal of the Corn-laws.—By a noble Lord, from Watton, against any further Grant to Maynooth.—From Ellon, for the Better Observance of the Sabbath.

INVASION OF SPAIN.] The *Earl of Clarendon* wished to take that opportunity of putting a question to the noble Earl the Secretary for Foreign Affairs, on a subject of considerable public interest; namely, with respect to the preparations now being carried on in France for a new invasion of the Spanish territory. These preparations had been so extensively made, and had been carried on with such publicity, that they had excited the greatest attention in the minds of the public, and they no doubt had not escaped the attention of the Government. He knew full well the difficulty and delicacy of interference on the part of her Majesty's Government; but he had no doubt that communications had taken place between the noble Earl and the Minister for Foreign Affairs in France on the subject of those preparations. He had no doubt, also, that the noble Earl had received assurances on the part of the French government that they had not afforded any encouragement to these attempts, and that with such assurances the noble Earl probably meant to rest satisfied, but he knew also that in the preparations which Spain on her side was making to resist foreign aggression—for such it really was—it would be a great satisfaction and encouragement to the people of that country, to learn that the real interests of Spain are not viewed with indifference by us. That they will not now as on former occasions be treated as party questions, and that her Majesty's Government are determined to uphold the present government of Spain as the best possible under the present circumstances of the country, and that the complete independence of Spain was a matter of deep interest and importance to England. This was the reason why he wished to ask the noble Earl, as to the communications which had passed on this subject between himself and the French government. If any such communications had passed, they could not be very satisfactory, for it was well known that an agent of the prime minister of France, Marshal Soult, had some weeks ago been sent to Bourges, to Don Carlos, and he had seen it stated in the papers of that morning, that he was there now. It had also been openly stated, that an army for the invasion of Spain was, at the present time, being recruited and organized in the south of France, and that it was placed under the orders of Christino and Carlist officers. It was notorious that such officers had been allowed to leave the towns in which they had been appointed to reside, in the interior of France, and that many of them had passed through Lyons on their way to the southern provinces on the borders of Spain. It was also well known, that certain civil functionaries who had been engaged in the insurrection in last September, had been allowed to take up their residence in Bayonne, having large sums of money in their possession, which they openly alleged they intended to expend in paying Spanish soldiers who would desert from their allegiance. Most of these persons declared that they acted, not only with the cognizance, but with the direct approval of the French government; to this, however, he attached no importance, for the parties who made such declarations, did so probably with the view only of justifying their proceedings and of obtaining support. He believed also, that whatever might be the policy of the French government, it was far too prudent to place any proofs of its connivance in the hands of such parties. He felt bound, however, to declare that nothing of what he had been alluding to could have taken place, if the French government had chosen to interfere with the view of preventing it. He said this with perfect confidence, when he recollected that, with the system of passports existing in France, no persons could move from spot to spot in the way these Spanish agents had done, if means had been taken to stop them. Again, it should also be recollected that these Spanish refugees were under the surveillance of the French police, and every body knew how easily the French government could have interfered with this state of things if it chose. This was obvious from what occurred in 1839, when it became the policy of the French government, which was then presided over by M. Thiers, to come to the aid of the conquering party in Spain, and put a stop to the carriage across the Pyrenees of ammunition and other muniments of war, which it had allowed for the five preceding years, and which was the main cause for the keeping up the war for the long period which it lasted. If, then, the French government could with such facility prevent the passage of troops and ammunition across such a long line of mountainous frontier, full of passes, how much more easily could it prevent the free passage of these persons from the interior of France to the southern frontier. If, therefore, the French government did not encourage this state of things, it did not appear to look with disfavour or dissatisfaction on the projected invasion of Spain, and yet the principles which France laid down and was prepared to act upon in an analogous case were sufficiently notorious, for it would be in the recollection of noble Lords that France marched an army to the borders of Switzerland, and threatened to invade it, because that country refused to eject from its territories Louis Napoleon, after his mad attempt to invade France, and she insisted that Switzerland should refuse an asylum to that individual. There was nothing more mad or iniquitous in the plot of Louis Napoleon, than there was in this attempt now meditated against the tranquility of Spain, for there was no great principle of government involved in the matter; there was no question as to Don Carlos, for his prospects had long since been completely extinguished; and there was no question as to Queen Christina, for she had voluntarily abdicated her regency, notwithstanding the remonstrances of General Espartero and the ministry whose oaths of office she had just received, and she had since disavowed all connection with the revolution of last September, or the proceedings of the general who occupied Pampeluna in her name. The present conspiracy had no other object in view than revolution and disorder, and it was not for him to say how far this might be intended as a means to pave the way for intervention in the affairs of Spain. There, however, were points which deserved the serious attention of every one who wished well to that country. He rejoiced in the conviction that no foreign intervention in Spain could be of the least avail if opposed to the wishes of the people, nor could anything now deprive Spaniards of a constitutional government. Spain had experienced the benefits of that form of government, and was determined to adhere to it. It was chiefly from the circumstance that the present Regent of Spain, who was well known and esteemed in his own country as a brave soldier and an upright and honest man, was determined to uphold the institutions of his country, that he was indebted for his great power and popularity. Since that distinguished man occupied his present post, Spain had made prodigious progress in the establishment of order, and he was perfectly convinced, that if she could but enjoy a few years of peace and tranquillity, or rather he would say, freedom from foreign intrigue, she would consolidate her independence and regain that place among the nations of Europe, which it is so much for the interests of this country that she should occupy. In conclusion, he trusted that he need not apologise to the noble Earl, or to the House, for having introduced this matter respecting a country in the affairs of which it was only natural that he should feel a deep interest. He then merely wished to ask the noble Lord whether he was aware of the preparations which were now making in France, whether any communications had passed with the French government upon the subject, and whether, in the event of an insurrection taking place, it was the intention of Government to send any ships-of-war to the ports of Spain, for the protection of British interests and to co-operate with the Spanish authorities.

The Earl of *Aberdeen* was not surprised, that the noble Earl should take a deep interest in the state and prospects of Spain, and should be anxious to express his sympathies with that country in which he had so long represented her Majesty. He must object, however, to one observation of the noble Earl, for he contended, that the question of independence had never been a party question in that House, for he believed if there was one subject more than another on which men of all parties and all classes in this country were united, it was in a desire and in the conviction of the necessity of maintaining the independence of Spain—the real independence of Spain,—the peace, the happiness, and prosperity of Spain. He apprehended, that this had ever been the policy of this country. It was the policy which led to the glorious triumphs in the Peninsula of his noble Friend near him—it was the same policy which dictated the quadruple treaty, and the measures growing out of it, to the noble Lords opposite. It was also the same policy which influenced her Majesty's present Government. He was prepared to admit, on the part of the Government, that this was the principle of their policy, and that this would be their principle, whether Spain were under a king, a regent, or the cortes. He was also ready to admit, that the present Government of Spain, for the last year particularly, deserved the support of her Majesty's Ministers; for it had done more for the improvement of the country and for the advancement of the best interests of that nation than any preceding government since the death of Ferdinand 7th. He was aware of the plot which was now in progress—a plot which seemed from its very nature to assist in its frustration more than any one that he had ever been aware of, for all the proceedings of the conspirators were known to the Spanish government, and they were perfectly prepared to resist the invasion with every prospect of success. No doubt, there were many Spaniards on the French frontiers who were engaged in this attempt to produce revolution in Spain. Representations had been made to the French government on the subject alluded to by the noble Earl, and her Majesty's Ministers had received from the French government the most positive assurances that every measure would be taken, and every attempt would be made, to check and frustrate this movement by the removal from the frontier of all persons who were pointed out to be suspicious, and by the greatest care being taken in the delivery of passports to suspected persons. It was quite true, that hitherto they had only obtained these assurances, but he had every reason to place dependence on them. They would, however, continue to watch the progress of events, and if it was in the power of her Majesty's Government to assist the Spanish government, either as regarded the proceedings on the French frontier, or on the coast, or in any other manner that could be pointed out, the noble Earl might rely upon it, that her Majesty's Government would do everything to assist the present Spanish government in resisting any attacks that might be made on it. He thought, that the apprehensions of the noble Earl with respect to another part of the subject were erroneous. He did not believe, that any union between Don

Carlos and the Queen Dowager of Spain was likely to take place. He knew, that no such union had hitherto taken place between the Carlists and Christinos, for he knew that the Prince he had just named had strenuously resisted any such propositions. Indeed, it was only that day that he had received despatches in which he was informed, that several of the most influential persons in the Basque provinces denied that they ever intended to take any part in such a union. It had been stated, that Cabrera had been sent by Don Carlos to Paris, but it turned out that he had not been in that capital—that Don Carlos had refused him leave to visit that place, and that officer had also publicly disowned having any connection with the conspiracy. This, then, was decisive in his mind. Although, then, these parties might make an attempt to disturb the peace of Spain, he did not believe, that it would be of that formidable character which had been supposed. This being the case, and as the Spanish government were prepared to meet the plot, and as they were fully aware of the feeling that existed in the country, he thought, that they could safely resist any attacks of the kind alluded to. As to the question put to him by the noble Earl, whether it were the intention of her Majesty's Government to send out ships of war to the ports of Spain, for the purpose of protecting the interests of her Majesty's subjects in that country, he would say, that no doubt that and every other means which their duty pointed out would be resorted to, not only for affording due protection to British subjects in Spain, but also in assisting and supporting the Spanish government itself. In aiding Spain—as an old ally, and as a country in whose prosperity we were deeply interested — her Majesty's Government would be disposed to use every means which could be fairly asked of them.

Subject at an end.

SIR ROBERT KENNEDY.] Lord *Brougham* begged leave to call the attention of their Lordships, and more particularly of his noble Friends opposite, the Members of her Majesty's Government, to a subject which he considered of so much importance, that if he should not find the attention of Government particularly directed to it, he should feel it his duty to bring it formally before the House in a very few days. He felt very strongly the course which the Crown had been advised to take; he felt it as a friend to justice and he must be permitted to add, as a friend to the monarchical constitution of this country. By the sixth section of the 2nd of the Queen, it was provided, that certain portions of the public funds should be at the disposal of the Crown, for the reward of meritorious public services, as set forth in the preamble to that act. Those who had read the most able despatches and letters of his noble Friend, the gallant Duke opposite, and there was as much in that invaluable collection to inform the statesman as the soldier, would find in many of them most honourable mention made of the late Sir Robert Kennedy, a man than whom, for probity and purity of character, in addition to his long and efficient public services, none stood higher, if, indeed, any in the same branch stood as high. That lamented gentleman had long been at the head of the Commissariat Department in the Peninsula, and his great services, and strict integrity in the discharge of his duties, were further illustrated by the fact that he died poor. Dying, then, in that poverty, so honourable to him, a poverty far more illustrious in the judgment of reflecting minds, than wealth which was dazzling only to the eyes, it would be easily imagined that his family upon whom his honour was reflected, were also poor. But he (Lord Brougham) was enabled to gather from a return which had been made to the other House of Parliament, that those two ladies had obtained out of the fund, set apart to reward those who had meritoriously served their country, the sum of 50*l.* a-year each. This, he presumed, was the measure of the estimate in which the eminent services of their father was held. He would not say a word of the list of pensions by which this pittance of 100*l.* a-year between those two ladies was surrounded, and by which the limited sum was exhausted, if he got an assurance from his noble Friends opposite that the attention of the Government would be immediately directed to the subject. If he did not get that assurance, he now gave notice that he would bring the matter more fully to the notice of their Lordships in a few days. He would, however, now read the entry in the return to which he had alluded—setting forth the grounds on which the pension of 50*l.* a-year each had been set apart to

"Elizabeth Devereux Kennedy, and Anne Maria Kennedy, daughters of Sir Robert Kennedy, late Commissary-general, in consideration of his long and arduous service of thirty-eight years, in various parts of the continent of Europe, during which he was shipwrecked and taken prisoner; and the uniform accuracy with which the immense amount of money passing through his hands was accounted for."

This return was made amongst a list of pensions between the 20th of June, 1840, and June, 1841. He would not offer further comment on the subject at present.

The Duke of *Wellington* said, he begged to offer to his noble and learned Friend his sincere thanks for having brought this subject under his notice. He could state, from his own knowledge of the fact, that there was no individual whom he had known, whose services deserved better of his country, than the late Sir Robert Kennedy. His services were performed through a long period of years, and at the end of that time, he most accurately accounted for the immense sums which had passed through his hands—a sum which he was almost afraid to name, but it was not less than 54,000,000*l.* or 55,000,000*l.*, and his accounts had passed to the most perfect satisfaction of the audit-office, and of the Treasury. He felt ashamed, and deeply regretted, that he had not adverted to this subject; but he assured the noble and learned Lord that he should give his immediate attention to it, with the view of seeing whether something could not be done for those ladies more worthy of the country, and of the services which their late respected father had rendered to it.

Lord *Brougham* said, that this assurance on the part of the noble Duke was perfectly satisfactory, and would save him the necessity of again adverting to it.

The Duke of *Wellington* regretted, that the noble and learned Lord had not made him acquainted with the fact sooner.

Lord *Brougham* said, that it was only a few minutes before he entered the House in the morning, that he had seen the return in question.

Subject dropped.

FORGERY OF EXCHEQUER BILLS.] Lord *Monteagle* rose in consequence of the notice which he had given; and he trusted that the proposition which he was about to make would not be prejudiced in any respect by the delay which had occurred—a delay of which he did not complain, but which the noble Duke (Duke of Wellington) would do him the justice to admit was one for which he was not responsible; for at the very earliest period of the Session, consistent with the forms of the House, namely, on the second day of the meeting of Parliament, in accordance with a communication he had made to the Government, in the previous month of November, he gave notice that it was his desire to bring this subject under the consideration of the House. His motion had been, from time to time, and from various circumstances, postponed by the desire of the noble Duke, and undoubtedly on the last occasion, the night previous, when it had been again put off, in order to permit the discussion elsewhere upon the same subject, he had not the least notion what the proposition was, which was about to be made by the Government, nor did he know what it would be until he learnt it, in common with the whole public, from the ordinary channels of information. Had he known before-hand the nature of that proposition, he should then have hesitated with respect to the further postponement of his motion. He only prefaced the observations which he had to make by these remarks, for the purpose of appealing to their Lordships and to the noble Duke, not to allow the proposition which he was about to bring forward to be prejudiced in any degree by that debate, but to consider the question as if he now stood in the very same position as that in which he would have been placed, had he been permitted to address the House upon the day for which he had originally given him notice. In undertaking to bring this question before their Lordships, he desired to separate it altogether from the case of those parties who were the unfortunate holders of the forged Exchequer bills. With their case he did not wish that the present proposition should be mixed up; as their Lordships knew that their case was to be inquired into in another manner, according to the provisions of a bill now under the consideration of the other House of Parliament, he did not seek by his argument to prejudge or in any way to affect their claims, whatever they might be. The proposition which he felt it his duty to submit to their Lordships was for an inquiry, with a view to other circumstances. Their Lordships were aware that the office which he had the honour to hold was one of a very peculiar nature—it was an office of great and serious responsibility—a responsibility of which the public at the present moment had lost sight. He was not surprised that when a casualty happened of the description which had recently occurred, or a crime had been committed, for so it might more properly be called, the public attention should be directed to those functions of his office which were connected with the Exchequer-bill department. But the duty of making out and issuing Exchequer-bills was by no means the principal, and still less was it the only duty which the Comptroller-general was called upon to perform. Entrusted to him were functions much more serious and important in their constituted character; because in him was invested the absolute power and discretion, and responsibility, of judging of the legality of all money payments out of the Exchequer for the public service, as well as of the legality of the receipts which came into the Exchequer. He was appointed to the discharge of those functions altogether independently of the Government of the day; his office was consequently granted during good behaviour, and only subject to removal by the Crown, in case of abuse, in pursuance of an Address agreed upon by both Houses of Parliament. He was therefore most peculiarly an officer responsible to Parliaent; and it was essential that this should be understood to be not a barren and nominal responsibility, but that it should be felt to be a responsibility actually enforced whenever any causes should call for inquiry, or should excite the suspicion of either House of Parliament. He had pressed this part of the subject upon their Lordships' attention, for the purpose of showing, that in inviting the House to the consideration of this question, he was not bringing under their consideration the conduct of an officer responsible to the Crown only, and removable at her Majesty's will and pleasure, but he was asking them to institute an inquiry into the conduct of a public officer, who was exclusively responsible to Parliament, if guilty of any neglect or oversight, or of any act which was in itself censurable. The proposition which he saw, by the votes of the other House of Parliament, had been last night carried, was that a parliamentary commission should be appointed to enquire as to the issue, receipt, circulation, and possession of certain forged Exchequer-bills. The proper time to discuss the subjects involved in the inquiry by this commission would be undoubtedly when the bill, by which the views of the House of Commons were to be carried into effect, was introduced into their Lordships' House; but he could not even allude to it in passing, without stating that he thought that the course taken by the Government was not only the best and most expedient, but that it was the only course of which the nature of a most difficult case admitted. The Government was not only perfectly justified in adopting it, but he thought that it was the course which was the best calculated to sift to the bottom the justice of those claims made upon the Government by the holders of the repudiated bills, and to show how far they ought to be admitted or refused. But he doubted very much,—and it was to this point that he wished to draw the attention of the noble Duke,—he doubted whether this commission, wise and just as it was, would attain the object which he confessed he had most in view by the present motion. If it were only a commission to examine into the cases of the owners and holders of forged Exchequer-bills, and to decide what, in each of these cases, it might behove the Government to recommend, and Parliament to carry into effect, it was an admirable course to take. It was appropriate and complete in respect to the special matter of inquiry; but what he asked their Lordships to do, was to inquire not into the claims of the holders of these forged bills, but to consider the question which he had put on the Notice Paper of the House, to decide the issue which he had pledged himself to bring to trial, and which he had endeavoured to bring before their Lordships, long before the motion of the previous night had been agreed to in the House of Commons. That issue was, not whether they would pay these Exchequer-bills, but whether there was any neglect—any misfeasance, attributable to himself or to the administration of the office of which he was the head: that was the question he asked of their Lordships, and he asked it in the name of that responsibility which was created in him by statute, and which, as a public officer, he was entitled to invoke. He wished, therefore, to state, that if his object could be attained in a manner more convenient, but equally certain, with that which he proposed; if he could secure a strict inquiry into the conduct of his office; if the question whether the frauds and forgeries which had taken place were in any respect attributable to the neglect or misfeasance of those at the head of the Comptroller General's department, that office could be better determined than by a Committee of their Lordships—if the noble Duke told him that it was more expedient and convenient that the inquiry should take place, in any way rather than in the way which he proposed, he should be ready to leave it in the hands of the noble Duke, prepared to await the event. He would now proceed to present to their Lordships, as shortly as he could, the view which he took of this case. He feared that in defending himself at all he might expose himself to the imputation, of needlessly putting himself on his trial; but he cared nothing for that. Though he had found none among their Lordships, who, with the facts before them in the Report of the Commissioners, had brought forward any charge of neglect against him, there yet had been busy tongues and busy pens elsewhere, to which he should not reply in that House in which he had the honour of a seat, but whose statements and insinuations rendered it necessary to the public interest that this question should be discussed and disposed of. Millions of money, in the shape of the public securities of the country, passed through his hands; public confidence in those securities depended upon the confidence which was felt in the correct performance of those duties which regulated the issuing of those securities, and unless it were generally and fully believed that there had been no relaxation on his part of the ancient rules of the Exchequer, unless it were believed that the bills issued from his office were carefully signed and regularly issued to the public, the value of those securities might be endangered, and the greatest inconvenience felt by the commercial world. He took it upon himself to assert, and to invite any contradiction, that there had been no change whatever—no relaxation in any one of the rules which had been laid down for the management of the office of Comptroller-general, whether those rules depended on usage, statute, or Treasury minute. He had heard much of the supposed carelessness with which the stationery of the office and the forms of Exchequer-bills were kept. Nothing, perhaps, could be easier, when any particular fraud was discovered, than by giving attention to that fraud, to devise a very excellent remedy against its recurrence. But he took it upon himself to say, that in this instance there had been no deviation from the course which had been always invariably adopted with respect to these articles of public property. Confidence had been always placed in the senior clerk of the Comptroller-general's office, and full powers were confided to him for the custody of those materials out of which the public securities were manufactured. Undoubtedly, as the commissioners stated, it was unfortunate that a remedy was not found for the evil which exhibited itself in this case in sufficient time to prevent its occurrence. But he could not help thinking, that whatever care might have been taken, it was still possible where the principal officer failed in integrity, that these frauds might have been still committed. He begged the attention of their Lordships to this supposed relaxation of the rule, or carelessness as it was more indulgently called; if there had been such a relaxation, some degree of culpable carelessness must be presumed to be implied. This relaxation, must, of course, be taken to mean a relaxation of rules which existed antecedently, and it must be taken as a relaxation alleged to be of recent date. This is wholly untrue. There was not one of the rules of practice in the Exchequer which had not been repeatedly the subject of Parliamentary notice, of reports made to the Treasury, and to officers of the very highest distinction, there was not one of these rules so complained of which was not of a date anterior to the last century. He hoped that their Lordships had taken the trouble to refer to this point, as stated in the Report of the Commissioners: he might say, that the same degree of confidence reposed in the senior clerk of the Exchequer-bill office from 1696 down to the Administration of Lord Grenville. The whole subject was brought under the inquiry of the commission of accounts which originated in Mr. Burke's celebrated speech upon Economical Reform. It was again brought before the Finance Committee in 1797. It was once more brought before Lord Granville Somerset's commission in 1829, and before that which was presided over by his noble Friend, whom he did not now see present (Lord Congleton), then Sir H. Parnell. It was brought before the Treasury upon several other occasions, and the result of the whole was the system which was given to the Comptroller-general to administer. Upon the construction of the office of Comptroller-general in 1834, the Legislature had before it all the information upon the subject; but no alteration was made or recommended in the practice of the department. Both Houses had before them all the circumstances under which Exchequer-bills were issued; they knew the degree of confidence placed in the senior clerk of the office. The Treasury, proceeding to carry into effect the act which had then passed, directed the Comptroller-general to adhere to the practice of his department, and to report further on the subject to the Treasury at the end of twelve months. That report was made, and was favourable to the continuance of the usages of the office; that report specifically stated the trust and confidence placed in the chief clerk. The Treasury acquiesced in the suggestion then made in favour of which the continuance of the existing system. He must say, even after late events, that he did not think that the Treasury was to blame for this judgment; because they had before them an unbroken chain of evidence demonstrating the success of the existing system, in a practice of 140 years, during which there had been no mistake, no fraud, no inaccuracy of any kind, he did not think, therefore, that the Treasury were bound, to vary a practice which had been so long successful. He must call the attention of their Lordships to the establishment of the office of Comptroller-general, and to the steps taken subsequently to the passing of the act by which that office was constituted. It might, perhaps, be said, that if all that was required, was to carry on the business of an old office, the Treasury might be considered right in adhering to the old rules of practice; but that where a new office was established, with new officers to perform new duties, such inexperienced persons could not safely be trusted, but that new and more stringent regulations ought to have been determined on and enforced. But no new officers were so appointed. In making a selection of the persons who were to act in this department, the Government selected the clerks, not from persons without experience, but from the ancient officers of the ancient Exchequer-office, and solely on reference to their acknowledged services, Mr. Arthur Eden, who had been appointed Assistant-comptroller of the Exchequer, at the time of his nomination to that office had been thirty years in the public service; and he might say, from his own experience, that a more cautious, a more anxious, or a more experienced or able public servant could not be found. All the clerks were selected from their age and services; with one single exception; in the case of a young man, chosen in deference to the recommendation of Lord Camden, a nobleman who, from the splendid pecuniary sacrifices which he had made on behalf of his country, might well be deemed by the first lord of the Treasury, to be entitled to introduce a gentleman to such a situation. In respect to Mr. Beaumont Smith, he had been for many years at the head of this very department, he had first been appointed, and afterwards had been entrusted by Lord Grenville with the same duties, which he performed to the time of his detection. He was a man of a high, honourable, and distinguished family, a nephew of the late gallant Sir Sidney Smith, and a relation, he believed, of Lady Grenville. At the time of his selection in 1834, he had been twenty-five years in the public service—he continued in the discharge of the same duties which he had before performed—those duties remained unaltered, and no greater trust was reposed in him in 1834, than had always been confided to him and his predecessors. He might be allowed to say, in passing, that the change in the law, with respect to the Exchequer, was productive of very great benefit to the country, and secured great simplicity of arrangement. It was contemplated by the Government of the noble Duke, and had been carried into effect by that Government, of which he had had the honour to be a Member. Undoubtedly he should hardly have felt very much surprise, had a change so great as that which was effected in 1834 produced some degree of irregularity, or had some want of precision arisen on its first application to the purposes for which it was designed. The effect of the change was to substitute one single office in which there were twenty-three persons engaged, including the very messengers and watchmen maintained, at an expense of 8000*l.* per annum, for six offices, consisting of eighty-one persons maintained, at an expense of 45,600*l.*; thus effecting a saving of upwards of 30,000*l.* per annum. But no irregularities took place, with the exception of the frauds of Smith, and the whole course of the administration of the duties of the reduced office had been as regular under the new system as under that more expensive administration which had formerly existed. He would now advert to the fraud itself. He had no knowledge at all, either of the fraud or of any circumstances of suspicion relating to the department, until the morning of Monday, the 25th October. Whatever suspicion might have arisen in other quarters, it had not been communicated to him. On the day which he had named he had been early to his office, but finding that there was no business pressing, he had quitted it intending to return in a few hours. In the course of the day he received a communication from the Chancellor of the Exchequer, requesting his immediate attendance, and when, in obedience to this call, he arrived in Downing-street, he found that the issuing-clerk was in custody, charged with forgery. The officers of the Government placed every confidence in the Comptroller-general; they sought his assistance; they sked his opinion, and he hoped the noble Duke had learned from his colleagues that his aid was earnestly given, and that whatever assistance was required at his hands had been tendered with zeal and readiness. In such a situation, any party differences would have been unworthy of him, or of those individuals with whom, as members of the Government, he was called upon to act. They had one common public duty to perform, and he believed that it was discharged both by him and by those who were associated with him with earnestness, and with a desire to promote the public interest. He mentioned this, incidentally, because he had seen, and he must confess that he had seen—with some astonishment and indignation—he had seen it proclaimed to the world, that he was called up by the Government to be "roundly rated"—to be cross-questioned and subjected to all manner of disrespect, from those very gentlemen who had asked for his advice and counsel, and who had taken that advice and approved of it. Upon the discovery of the fraud Mr. Beaumont Smith's keys were lpaced in his hands, and he was desired to open the places of deposit which belonged to him, and to make an inventory of what he found. In the execution of these duties, very few things had given him more pain, than, on opening the desk of this unfortunate man, to find that the very first object which presented itself to his notice was the sword of Sir Sidney Smith, bequeathed by that gallant individual to the man who was then in custody upon a criminal charge. This sword was a proof of the trust and confidence which his gallant relative placed in him, and the affection which he considered him to merit. He mentioned this, not merely as a circumstance calculated to produce sympathy and commiseration, but as showing how highly the character of this unfortunate prisoner was estimated by his deceased relative, it was not then surprising, and did not argue any carelessness on the part of those in office, that their confidence was given to this man after twenty-nine years' service, without suspicion or reproach The next step was the examination of the bills. The Government required that all the bills should be examined by the Comptroller - General. It was a work in which the energies of those gentlemen who were employed under his authority were called for, and they had exhibited the most successful zeal in the discharge of their difficult and responsible duties. It was gratifying to him to think that securities to the amount of 18,900,000*l.* should have passed through the office, and should have been examined, stamped, returned, or accounted for to the owners, without a delay of a single day, or an irregularity of any sort whatever. Pending the inquiry, he had been directed to withhold from the parties the forged and fraudulent bills produced before him. The Government had been much censured for adopting this course, and he had had his full share of the abuse. So far as it was necessary, he was willing to undergo his portion of the responsibility, because if ever there was an act called for by the circumstances of the case, it was the retention of these bills. This resolution was one which it was the duty of the Government to adopt, to save the public from the consequences of these frauds, and to prevent the holders of these spurious bills from passing them off as genuine documents upon the more credulous part of the community. But, at the same time that the bills were withheld from their owners, not only was no objection raised at any time to giving the parties the use of them for the purposes of justice, but an obligation was entered into by the Government that the bills should be at all times forthcoming for the purpose of enabling any innocent holders to recover upon them from those persons from whom the forgeries had been received. Mr. Beaumont Smith, upon being placed upon his trial, pleaded guilty, and his accomplice Rapallo was admitted Queen's evidence. With the conduct of the trial he had had nothing to do; but he had no doubt that the Crown had acted under the advice of its legal officers. He repeated, that with this part of the case he had no possible connection; and up to the very morning of the trial, though summoned as a witness, he was neither aware of the probability of Mr. Smith's pleading guilty, nor of the fact that Rapallo had been received as Queen's evidence. Why did he say this? Because it had been stated, again and again, that Mr. Beaumont Smith had pleaded guilty in consequence of consultations repeatedly had between him (Lord Monteagle), and Sir Thomas Wilde, who was Mr. Smith's legal adviser. Anything so absurd and so derogatory to the character of Sir T. Wilde, as well as to his own, could hardly be thought of; but at the same time, these were assertions which, however false, were calculated to make some impression in the public mind; and he, therefore, felt bound to state, that with Sir T. Wilde he had never had any communication upon this case, and that until the morning of the trial he had had no suspicion of the course about to be taken. Upon the close of this trial, the Government had taken a course which he thought was a very wise one. They undoubtedly had notice from him that he intended to bring the case before Parliament, but on that account they had not relaxed any exertions of their own in reference to the question, but they had issued a commission, the report of which he now held in his hand. The selection of the gentlemen who formed that commission was characterised by the same discretion which had been apparent in the resolution to issue the commission itself; he did not think that four men could have been chosen who, for their independence and impartiality, were more fitting for the office conferred upon them. In all essential matters he considered that the report of the commission would very much supersede the necessity of his motion, but there were a few points left in doubt, to which it was necessary to call their Lordships' attention. The whole case had been submitted to these gentlemen, and they went into it with energy, and acted on the principles of justice and impartiality. If they had erred on one or two points—in which he thought that he should be able to show that they had fallen into some mistake—he could only refer it to a want of experience, not to a want of care; and in the comments which he should offer upon their report, he begged their Lordships to believe that he meant no disrespect to them, nor did he at all undervalue the result of their labours. After going through the whole of the evidence with respect to his office, and stating the changes which had occurred, the commissioners said,

> "We have been unable to trace, during the progress of these changes, or within the last fifty years, the relaxation of any precaution which had been previously enforced, or the departure from any useful practice which had formerly existed, *except in five instances.*"

This, then, was the report of the commissioners, and if he should be able to show their Lordships, as he thought he could do so, that the distinction drawn with reference to these five excepted cases was unfounded, as far as he was concerned, he should, he thought, make out his assertion, that there had been no relaxation at all of the ancient practice of the Exchequer. The commissioners also said in reference to the alleged defects in the internal arrangements of the office, that they had

> "*For nearly a century* escaped observation and correction, and had led to no injury to the public. It is not then very surprising, though it is much to be regretted, that these defects should not have been noticed and supplied at the re-modelling of the Exchequer."

He would apply himself now to the five excepted cases to which he had adverted, because if he was able to convince their Lordships that there had been no departure from anterior usage, and no mismanagement in the office of which he was the head; no blame and no responsibility could then attach to him, and the object of his motion would then be fully answered. The first of these five cases is stated to be, "The abandonment, about the beginning of the present century, of a second counterfoil, which was deposited with the Bank of England."

He should explain that the duplicate of an Exchequer bill was called the counterfoil; and that formerly two of these had been always retained, one for the Exchequer-office, and the other for the Bank of England; but that now only one of these, for the Exchequer-office, was kept. The change spoken of took place upwards of forty years ago, but it could only have been done under the orders of the Board of the Treasury, and the alteration in the system in this respect was in no degree connected with his office, nor with the act of 1834. The second point was,

"The neglect of comparing their bills with their counterfoils at the Paymaster's office, at the exchanging, paying off, or funding of the bills."

No doubt, the precaution thus neglected, was more necessary and important than the last, and undoubtedly it had been neglected in the Paymaster's office; but that office was not under the authority of the Comptroller-general; he was not responsible for it, and had now no power to issue any orders for regulating its administration. He would pass over to the fifth point, which was,

"The destruction of the counterfoils, without the authority of the Treasury."

Now, if this is to be considered a neglect in his office, it has dated from the year 1828, since which time the present system has been constantly pursued. But in practising this, no precaution has been omitted of any importance whatever. There may have been a slight official irregularity, but no more. When Exchequer bills are paid off, the counterfoils are sent back to the Exchequer, and on the final payment of the bills, and the audit of the Paymaster's accounts, these counterfoils are directed to be destroyed by Treasury warrant. The omission in this case had been the neglect of procuring the Treasury warrant. Counterfoils had been destroyed without Treasury warrant, but the destruction of the counterfoils after the payment of the bills and the close of the accounts could not be the cause of loss or inconvenience to the public. The irregularity, however, such as it was, commenced in the year 1828, long before he was Comptroller-general, and even before the formation of the office. The third relaxation complained of was,

"The signing of bills of the same issue by more than one person, and the omission of a notification in the *Gazette* when any person other than the principal was authorised to sign."

As to the signing of the Exchequer bills by more than one person, he admitted that when Lord Grenville was Comptroller-general no one signed but him and his attorney. Sir John Newport, signed but 5,000 bills out of 240,000; more than one half of these had, however, been of the same issue with those signed at the same time by Mr. Eden. In his own time the work had been more equally distributed, and if there had been any irregularity on his (Lord Monteagle's) part, it consisted in his desire to discharge the duties of his office. He had undertaken a larger portion of labour, and had signed a larger portion of bills than Mr. Eden and Mr. Perceval combined. But the commissioners seemed to infer that this was not consonant to the act of Parliament. In this they were wholly mistaken. He knew that a case upon this point had been submitted to the principal law-officers of the Crown, and as the noble Duke was aware, they had given an opinion that the practice of the Exchequer had been strictly conformable to the act of Parliament. The next point was the notification in the *Gazette*. This was not required by the present act; there had been an alteration made in the law as it now stood, as compared with the former law. Lord Grenville was required to give notice in the *Gazette* because he signed by his deputy or his attorney, but neither Mr. Eden nor Mr. Perceval was the deputy or attorney for the comptroller. They were both appointed by the Treasury, and, therefore, the law did not require the notice. What was put down as the fourth charge by the commissioners, which he had reserved for the last, was

"The occasional signature of bills, without the presence of a clerk, or of the signing-book, elsewhere than in the office."

He confessed that he might be liable to some censure on the part of their Lordships upon this point for some disrespect to them (but he did not think that he was censurable on any other ground. It was true that, whilst attending their Lordships' House upon a Scotch appeal, he was guilty of the grievous disrespect towards their Lordships whilst acting in their judicial capacity, of believing that his attendance was merely formal; his mind not being very profitably engaged by the learned arguments carried on at the bar, he had been vain and foolish enough to think that his time in the interval might be turned to good account in transacting the public business. He had, therefore, sent for the regular messenger of the office, who had brought the unsigned bills in a box carefully locked up. He had signed those at their Lordships' Table, and had returned them by the same messenger, still locked in a box, to the Exchequer, where they were duly counted by the proper officer, who gave a receipt either that night, or at latest, the next morning. He might thus, he admitted, have been guilty of some disrespect to their Lordships, but he was satisfied that he could not be considered to have grievously violated the duties of his office. He believed that in two other cases he had signed bills in committees of their Lordships' House, and once also when attending the committee of the Privy Council. In 12 out of the 137 days, after discharging the duties of his office, because he had never omitted to attend at the office on those days, he had signed bills out of it. He was now talking in the presence of persons well acquainted with official duties, and of long experience, and he would ask them what would have become of the public business of the great departments of the state, if public documents were never signed except within the four walls of the public offices? Public business could not be carried on for a week if this rule were strictly observed. He had not neglected to attend at the public office on any one of the twelve days referred to, but when there had been a pressure of business he had devoted a portion of his extra official time to his public duties elsewhere than in the office. Of the five excepted cases this was the only one which remained after the explanation he had given, and he did not suspect that for this over zeal in the public service their Lordships could attach any blame to him. An impression had gone abroad that the business of his department had been carelessly conducted, and that there had been a relaxation of the ancient practice observed there. It was on this ground that he now asked their Lordships to institute an inquiry into the conduct of that office. He might be told that a commission was about to issue. If the noble Duke might, perhaps, tell him that the inquiries before this parliamentary commission would embrace his proposition, and that the commissioners would, as a distinct proposition, inquire whether there had been any relaxation of the rules of his office, he would be content. But a mere collateral examination would not satisfy him. He wished the public to be informed distinctly, aye or no, whether these charges were true or false. Before he sat down he wished to correct a mistake, which had crept into his evidence as given in the report of the commission, and which had given pain to two persons for whom he entertained sincere regard. In the 74th page of the report, where he had given an account of certain changes he had made, and which were changes all made for the better, referring to his predecessors in office, the following sentence appeared:

> "The next change was, that when any treasury authority of an important character is brought before the Comptroller-general, he does not act upon it without considering its legality. It is now initialed by him as evidence of this consideration."

The correction of this was very slight, but it was material, because it affected the character of the officers who preceded him in the Exchequer. The inference drawn from these words was, that Sir John Newport and Mr. Eden had never considered the legality of any order sent to them from the Treasury, and, therefore, that their duty in controlling the Treasury had been neglected; and that he had acted with more strictness and propriety. One word ought to have been inserted, and the sentence ought to have stood—"The next change was, that 'as' whenever any Treasury authority of an important character is brought before the Comptroller-general, he does not act upon it without first considering its legality, it is now initialed by him as evidence of this consideration." He did not mean to say, that the consideration of the legality of a warrant had been a practice first introduced by him; but the record of that consideration by evidence was the change referred to. He wished to state distinctly, that in the evidence he gave, nothing was more foreign to his thought than to attribute any neglect of duty to the late Comptroller-general, or to Mr. Eden. He now trusted, that their Lordships would offer no objection to the appointment of the committee, unless the substantial object he aimed at could be obtained by some other means. He must take the liberty of saying, that painful as it was to speak of himself, or to occupy their Lordships' attention with any matters relating to himself, it would not have been fitting or proper, to have omitted bringing this question forward. It was essential to his own authority and weight in performing his functions hereafter. How could he have been permitted to stop a treasury warrant on the ground of its legality, and thus to exercise a control over the executive Government if he had rested contented and had remained silent under the many imputations that had been cast upon him. He must add, that nothing was further from his intention or wish to be upon the committee himself; of course their Lordships would not acquiesce in such a proposal, even if he had had the foolishness and temerity to make it. If he proposed the appointment of a committee, he wished the enquiry to be both stringent and effectual; therefore he thought that the nomination ought to rest with the noble Duke, than whom no one was better qualified to make the selection. He wished to redeem the pledge he had given to the government, that if no one else asked for an inquiry, he would; he had done it at the earliest possible moment, he had asked it with all sincerity, and he also asked it with all earnestness. He desired to have the question determined in the most solemn manner whether there had been any neglect in his discharge of official duties, and he, therefore, moved that a

"Select Committee be appointed to inquire into the late forgeries of Exchequer-bills; the mode in which the preparing, making out, signing, and issuing Exchequer-bills, are now and have been heretofore conducted; and to report whether there has been any neglect or violation of the established usage of the Exchequer, which either produced or facilitated forgery or other fraud."

Lord *Brougham* was sure that their Lordships would think no part of the clear, candid, and satisfactory statement of his noble Friend at all superfluous or liable to exception, save the apology for detaining their Lordships upon the subject. Placed in the position in which the noble Lord was; exposed to attacks which, without thinking lightly of their malignity, he (Lord Brougham) held to be still more ridiculous than malignant; standing in a predicament and occupying a post in which the anxious attention of the public was unavoidably directed towards him, he could not do otherwise than take the course which he had taken, at the earliest convenient opportunity of bringing the matter before the House, and of calling for the most searching inquiry. His noble Friend's object was, to call for the appointment of a committee of that House, having a power not possessed by the other House, of examining all persons upon oath touching the whole matter under investigation. It was also a part of his noble Friend's plan not to place himself upon this committee, and not to suggest the names of its members or be a party to the suggestion. His intention was to leave to the noble Duke the suggestion of the committee. Nothing could be more candid, and nothing more honourable or fair than the proposal of his noble Friend, but he might be permitted to say, that the course taken by the Government was more satisfactory; for it was not liable to the objection of pursuing in that House an investigation which might possibly lead to charges of a criminal nature against some parties, and to proceedings of a civil nature against others, so that their Lordships might ultimately be called upon to sit in judgment upon the questions raised. This, he thought, was a sufficient reason why the House should not conduct the inquiry, which might be carried on by other persons invested by statute with the same powers. When he talked of criminal proceedings, he did not at all contemplate the possibility that they would affect any party now connected with the office of the Comptroller-general. One person connected with that office had been found guilty, having entirely forfeited the high character which it appeared he had formerly enjoyed. There was, however, no reason to apprehend that any others in the office were implicated in his proceedings, though other parties in other quarters of this great city might be so implicated. Proceedings against them were at all events possible, and the possibility of charges being made, and the proceedings coming in the end before their Lordships as a court of justice required them to abstain from instituting the inquiry proposed by his noble Friend. His noble Friend had referred to the statements made against him, which, if unrebutted, appeared extremely trifling, light; but the greater part of the charges had been fully explained by his noble Friend; and the explanation given had justified all his noble Friend's proceedings except one deviation from the practice of the office, and from the course prescribed by the law. His noble Friend admitted that the course of regularly signing the Exchequer-bills in the public office had been departed from; but on examination, this appeared as slight a deviation in point of importance as could well be imagined. His noble Friend had referred to the statement that he had upon several occasions signed Exchequer-bills in other places than in his office: he had signed them in that House, he had signed them in a committee, and he had signed them in the Privy Council. The noble Lord had said, however, either in his evidence or in a letter laid upon the Table of the other House, that Sir J. Newport had upon one or two occasions, when absent from indisposition, signed the bills at his own house. He had a great anxiety to defend Sir John Newport from any imputation brought against him even by inference, and he was sure that his noble Friend did not intend to make any directly, but in Sir John Newport's absence he felt a reluctance to leaving any one thing unexplained from which an inference, painful to that excellent individual might be drawn. His noble Friend would permit him to say, that there was a great difference between signing those bills away from the office which Sir John Newport had signed, and those which his noble Friend had signed. The bills signed by Sir John Newport were deficiency bills, and none others. The bills which the Comptroller-general had lately signed were supply bills. The deficiency bills, he must remind their Lordships, were Exchequer-bills issued, payable out of the growing surplus of the consolidated fund. The supply bills were issued payable to the bearer, the deficiency bills payable only to the Governor and Company of the Bank of England, or their order. Let them observe the material difference. The deficiency bills, if they miscarried on their way between the place where they were signed and the Exchequer, on their return from the place of signature, which act made them complete instruments, would be utterly and absolutely useless to the person into whose hands they might fall, because they were only payable to the Governor and Company of the Bank of England, or their order, and unless the person could get the forged indorsement of the Governor and Company of the Bank of England, the bills could not be used. Besides the deficiency bills were for 40,000*l.* 20,000*l*, and 10,000*l.*; there were hardly any lower than 10,000*l.*, unless there happened to be a balance; in which case perhaps one bill of an issue might be for a fractional sum; but the bulk of the bills were for sums of a large amount. Therefore, from the large amount, even if they were payable to bearer, it was almost impossible, if they were seized, or fraudulently got hold of, they could be turned by the parties to their own use or profit. Not so with the supply bills. The supply bills were, in the first place, payable to the bearer, so that any person without forgery could receive payment as the holder. In the next place, the bills were drawn for sums of 100*l.*, 200*l.*, 500*l.*, and 1,000*l.* The consequence was, that the person who got hold of a supply bill, when completed, had the power, but for the circumstances to which he was about to refer, of making use of the bill and instantly obtaing payment. Suppose that all possible care were taken by locks and keys, with his noble Friend signing in the House, though he might have signed the book, yet let the box be ever so well locked, let the bills be ever so well counted, let the bills be ever so duly entered in a book, let the clerks in the Exchequer be ever so ready to count them immediately they received the book, let the locks be ever so numerous, still the proceeding was liable to the objection that, in the interval between the signing and the arrival at the Exchequer, the messenger, instead of going along from Charing-cross to the Exchequer-office, might turn along the Strand into the City; he might not even take the trouble to unlock the box; he might break it open; he might abstract the million of bills; and getting ten thousand pounds, or fifty thousand pounds, or one hundred thousand pounds in the City, he might step into a boat and sail away for Calais. That was the state, as it appeared to be left by the report of the commissioners; but when you examined the matter more closely, it turned out that there was not this danger in fact, for it was impossible that one bill could be put in circulation except among persons who did not look at the date, because all the bills were completed before the date of the issue, so that all the possible risk the public could really run was very small; the door which seemed to give the widest possible aperture, left only the smallest chink; in reality the risk run was the least possible. Some persons might take a few bills for a few hundreds or thousands, if they did not look at the date; but the public service ran no risk, because till the day for the issue came—say the 16th of March—the bills were never issued, and the moment the messenger deviated from the right course, payment of the bills would be stopped before the date of the issue. Although, however, there was the smallest possible risk, he hoped his noble Friend would see that it was better not to incur even that. Yet, slight as the risk was in his noble Friend's case, it did not exist at all in the case of Sir John Newport. His noble Friend had done away with one part of the evidence, which, if left unexplained, would have cast an imputation on Sir John Newport. The evidence as published stood thus:—

"The new charge was, that whenever any Treasury authority of an important character is brought before the Comptroller-General, he does not act upon it without first considering its legality. It is now initialed by him."

The word "now" was used as if the consideration were now given for the first time, and as if Sir John Newport did not do the only thing of any importance which was required of him — compare the orders brought to him from the Treasury with the statutory authority for their issue. It appeared that the evidence, by leaving out the word "as" at the beginning, and making a pause after the word "legality," and then beginning a new sentence, in so many words made a distinct charge that his venerable friend had never once discharged the only important duty for which he was appointed. His noble Friend merely meant to say, that whereas no part of the duty had previously been omitted, yet that his noble Friend had made an addition;—which he valued at more than it was worth, as persons who were the authors of inventions set greater store by them than he (Lord Brougham) might be disposed to do; in addition to comparing the Treasury orders with the statutory authorities, it seems he put his initials, as a test that he had made the comparison, as a memorandum that the duty had been performed, and that all that was required had been done. That Sir John Newport, when he made the comparison, did not put his initials on the warrant or order was of no kind of importance, nor was it even a portion of his duty, nor could the operation give the least additional security to the public. The explanation given was therefore compleat. It showed that the statement of Lord Monteagle had been totally altered as much as if a "not" had been omitted. But his noble Friend ought to have gone on to give some such contradiction to what next followed, which he (Lord Brougham) held to make a charge against Sir John Newport that required explanation, or, as he would say, retractation. As no explanation, and at all events, no retractation, had been made, it became his duty to give to the charge a peremptory contradiction, and to accompany it with such an explanation as would satisfy their Lordships that there was not the shadow of pretence for any such charge against Sir John Newport. No one would suppose that his noble Friend intended to make a charge against Sir John Newport; he had wished only to defend himself, and not to attack any one else; nevertheless his statement of his own improvements did convey a serious charge. In giving an account of his new changes the noble Lord made the same indirect charge against his predecessor as he had done in the first point of the passage which he had so satisfactorily explained, and which arose from a misprint, and was as real an alteration of his evidence as if the word "not" had been put in where he had left it out, or as if they had left out the word "not" where he had put it in. This other charge, which still stood as a charge by implication against Sir John Newport, amounted to this: the Comptroller-general now initials the documents as evidence of his having considered the authorities, and then another use of the initials pointed out, when it is added:—

"It also prevents the possibility of a fraud taking place by producing the same document twice over. It would have been possible previously to this regulation, if there had been a fraudulent chief clerk, to bring the same Treasury authority twice over, and get a double issue made; but that cannot now take place."

That is to say, the business of Sir John Newport had been carried on in so slovenly, so bungling, and so negligent a way, that there had been no care taken to prevent the most facile of all frauds, a party bringing an order one day, getting the money for it, and the next day bringing the same order and getting the money over again. When he (Lord Brougham) saw this he was quite astonished; he said to himself, "Can it be possible that business is thus carelessly conducted?" It was exactly like a banker's clerk paying a check without crossing it, giving it up to the party he paid, and then another person coming the next day with the same check, and, unless the clerk recollected the payment, procuring a second payment, or procuring that payment from another clerk. That was the state of the charge as it there stood, and as if that were not sufficient, what followed made it impossible for any one who was responsible for the passing of the act, or for the appointment of Sir John Newport—and he (Lord Brougham) was jointly responsible as well for the act as for the appointment with his noble Friend, and the noble Viscount near him (Lord Melbourne)—not to feel the greatest anxiety till there was an explanation, and not to wonder that no greater fraud had, before this, been committed. The noble Lord (Lord Monteagle) said,

> "This improvement was introduced by me about two years ago, and I have thus guarded the issue of public money against a fraud somewhat analogous to that of Mr. Smith."

In justice to the department, in justice to those who had appointed Sir John Newport, in justice to those who passed the act under which he was appointed, and in justice to the Treasury by which the act was worked, he was bound at once to destroy, as he could in an instant destroy the whole of this strange accusation. He should be able to show, first, that no order or warrant could be issued twice by any fraudulent clerk; and, secondly, that to put initials upon a paper in the way that his noble Friend had done could give no security. He was prepared to establish the first of these propositions, not by any official inquiry, though he had made such, not by any inference to be drawn in favour of himself or others who had appointed Sir John Newport, but by the very words of the statute, the 4 and 5 William 4th, cap. 15, sections 10, 11, 12, and 13. He grounded himself upon each and all of these sections, and required no extrinsic evidence, no official learning, no result of private inquiry; and by these sections of the act he pledged himself utterly to destroy the foundation of any charge to be inferred against Sir John Newport from the statement of his noble Friend. To show that the statement made by his noble Friend could not be supported, he regarded as due both to Sir J. Newport and the Government who had framed the act under which the office of Comptroller-general was created, and who were responsible for Sir J. Newport's appointment. Now, the effect of these clauses, which embraced the whole subject of the issue of money to the different departments of the public service, was, that this money, when issued from the Exchequer, was to be issued for a given and specified purpose; that there should be a royal order, passed under the sign manual, and delivered to the Comptroller-general; that next there should be a treasury order or warrant, countersigned by three of the commissioners of the Treasury, also delivered to the Comptroller-general, as his authority for the issue. This was in the case of all sums granted to the Crown by act of Parliament, or vote of the House of Commons; but if the money were charged on the consolidated fund, then the treasury warrant only was wanted, and not the royal order; but whether the issue were of money granted by act or vote requiring a royal order and treasury warrant, or whether it were to come out of the consolidated fund under the 13th section, which required a treasury warrant only, in either case there was a treasury letter also, without which no order or warrant for the issue of whatever sum of money, for whatever service, found its way to the Comptroller-General of the Exchequer, that Treasury letter containing what were called the directions of the Lords of the Treasury to that officer. Now, observe, the person who could be in a condition, and alone able, to avail himself of this order, or warrant, accompanied by this treasury letter, would be some one of the paymasters—suppose the Paymaster of the Civil Service; this was according to the supposition contained in the evidence of his noble Friend before the commissioners; but the fact was, that these orders were never, and never had been, issued either to the Paymaster of the Civil Service, or to the Paymaster of the Ordnance, or to the Paymaster of the Navy or the Paymaster of the Forces—all which three, by the by, were now consolidated—without both the order under the sign manual and the treasury warrant, specifying the paymaster to whom they were to be issued, and for what purpose; then the letters of the Lords of the Treasury specified how much of the sum on the order, or warrant, was to be issued to the paymaster, and notified this to the Comptroller-general. But, after all this, not only was the money not paid by the Comptroller-general upon this warrant and order, as in the case of a check, as the evidence of his noble Friend would leave to be inferred, but all the Comptroller could do was to send his warrant to the Bank of England, calling upon the Bank to transfer a credit to the account of the specified paymaster for the given sum, and all the Bank did was to obey the warrant and put the proper credit to the account of the proper paymaster. And what did the paymaster do? He operated on the credit so transferred to his account, and he obtained money by so operating. In fact, he drew checks on that credit. But how did he do that? At the same time that the treasury letter was issued to the Comptroller-general, another treasury letter went to the paymaster, notifying to him the proceeding which had previously taken place, and warning the paymaster that the order, or warrant, and treasury letter, had gone to the Comptroller-general's office, and that a credit to the given amount would be passed to his account by the Bank of England. Upon this the paymaster drew his check by virtue of that authority. But then there was another point. The first thing done with the treasury letter at the paymaster's office was to record it in the books of the office; moreover, every check issued from the paymaster's office was signed by the paymaster himself, then countersigned by the cashier, and presented by the accountant, and unless both names were found by the Bank to be signed to a check, it was altogether unavailable with them—it was a barren and fruitless document, and it was impossible by means of it to obtain a farthing of the money from the Bank, even when backed by the authority of the warrant of the Comptroller-general. Their Lordships would see, therefore, how many persons must concur—what a complication of fraudulent intentions must take place before, under the practice of the office as carried on in Sir John Newport's time, the public could have been damnified to the amount of one farthing. It appeared, then, that not only the chief clerk, as his noble Friend in his evidence stated, but a number of other persons, and even the paymaster himself, must have concurred to commit the fraud of which his noble Friend spoke in that evidence. Nor was this all, but there must be, in addition, the treasury letter to the Comptroller-general forged; nor was this all, for there must be another forgery of the treasury letter to the paymaster, in order to afford the means of committing the fraud in question; so that, in fact, the Treasury, or some one there, must be accomplices in the crime and take a part in the fraud. Then another felony must be committed by the Paymaster of Civil Services, another by his cashier, and another by his accountant. These parties must all concur in the fraud before the public could be injured, and this was what his noble Friend in his evidence called "a fraud somewhat analogous to that of Mr. Smith," and spoke of it as being not impossible to occur! Why, this was the fraud of Smith—that he, without co-operation, without a human being helping him, could, and did, obtain money to almost any amount. The charge was, that whereas in that office great and salutary precautions had been taken in all other departments, yet in the department of the senior clerk there was a chink left unstopped, through which it was possible to commit a fraud to the amount of 400,000*l.* or 500,000*l.* But there was another branch of the subject, on which a great deal had been said. All the paper intended for the Exchequer-bills was intrusted to the care and custody of Smith, and that he had nothing to do, if he was fraudulently disposed, but to open the chest and take out the quantity of paper he wanted. But he had no accomplices, it was said. Why, who would have said there was any harm in the mode in which business was conducted in the Comptroller-general's office, if Smith could not have compassed this fraud without the assistance of accomplices out of it? Nobody would have said so; because all the security that man has in the ordinary business of life was less than that involved in the process he had described, to commit a fraud, in spite of which not only the paymaster and two other persons in the paymaster's office, but also some one in the Treasury, must conspire. There must be a league between them all; yet this was what his noble Friend, in his zeal to defend the office of which he was the head, or rather, in his desire to extol his own improvements, had ventured to call, in his evidence, "a fraud somewhat analogous to that of Mr. Smith;" to which he would say that, so far from being analogous, it stood contrasted and opposed in the strongest forms of contrast and opposition. But now as to the effect of placing the initials on these documents, which, as his noble Friend said, had not been done by Sir J. Newport; he would let their Lordships see how far the second proposition which he had stated was borne out, namely, that not only had the placing the initials no effect to prevent fraud, but that they had not even a tendency to prevent it; that they were put on the wrong paper. For what was the noble Lord's course? He put his initials on the orders and Treasury warrants to prevent, as he said, the money being drawn upon them a second time. But he (Lord Brougham) contended, and he should show, that this placing of initials had no effect at all; because, by the act of Parliament, these orders and Treasury warrants must be kept in the Comptroller-general's office, and must be used again and again until the sum mentioned in them was exhausted by repeated letters from the Lords of the Treasury, directing the issue of such sums from time to time. The only effect of putting the initials must be to prevent the document being brought a second time before his noble Friend. Striking the pen through a banker's check was analogous in this point of view, though the banker generally took the precaution to keep the check besides. But these orders and warrants were what are called running orders for money, and the effect of them was this:—Suppose the order was for 5,000*l.*, but the Treasury letter said that only 1,000*l.* was to be issued upon it at that time, then there could only be got upon it 1,000*l.*, but the order itself remained on the Comptroller's office as his warrant for the issue of the next 1,000*l.*, or whatever sum might be contained in the successive Treasury letters, until the whole amount in the order was exhausted; and it was obvious that whether such warrants or orders were marked with the initials "J. N." or not was of no importance, inasmuch as they were meant to remain in the Comptroller-general's office. But it was very far different with the Treasury letter. His noble Friend did not put his initials on that document; no, he put his initials on the running orders, on which it was useless to put them; and he did not put them on the Treasury letter, on which alone, if the initials could be of any use at all, it was desirable to put them; but whether they were placed on the Treasury letter or not was quite immaterial, because as the act of Parliament proved, there were so many individuals who must conspire in different offices before a fraud could be committed, many of whom could have no interest in conspiring, that it was next to an impossibility that any fraud should take place in the way he had described. In point of fact, he believed that the letter of the Lords of the Treasury had sometimes had "considered" written upon it in Sir John Newport's time: but whether it had that or the initials was immaterial, since, as he had shown, at this stage of the proceedings relative to the issue of Exchequer-bills, fraud was next to impossible. However, he perfectly agreed with his noble Friend that no blame was attributable to the department on the ground that the quires of Exchequer-bill paper had been left with the chief clerk. His noble Friend had justly said that all his predecessors, for upwards of a century, had adopted the same practice; but not only had his noble Friend's predecessors been aware of and sanctioned the practice (for that would be no great excuse), but the Legislature and the Government, and the public, had been aware of the state of the case. The subject, and particularly this part of it, had been again and again brought most fully under public notice: first, in the report of Sir A. Pigott's commission of public accounts in 1782; then in the report of the finance committee, presided over by Mr. Abbott, afterwards Lord Colchester, in 1797; then in Lord Grenville's able report to the Treasury in 1823; next in Lord Granville Somerset's report of evidence in 1830; again by those who framed the act of 1834, to which he had referred; and, lastly, the matter was brought forward by Sir John Newport himself, in a communication which he made to the Treasury, and which it was but justice to his right hon. Friend to refer to particularly. When Sir John Newport was appointed Comptroller-general, the Treasury, most properly, as he (Lord Brougham) thought, instead of proceeding immediately to exercise the powers vested in them under the act, of making rules for the greater security of the public, determined to delay for a time until they should have a report from the office what was fittest to be done. The act called upon them to take such steps with respect to the regulation of the new office under their warrant as might be thought most effectual for the further convenience and security of the public; but they thought it better to wait until they got a report from the head of the office as to what alterations ought to be made in it. Accordingly they directed Sir John Newport to report to them, at the end of twelve months, on the subject of his office, and the mode of transacting business in it. Well, that report was made, and their Lordships would find distinctly stated in it at that time—it was dated the 10th of October, 1835—that the senior clerk had the custody of the paper, and kept a regular account of its consumption. Now, what was meant by paper was Exchequer-bills, stamped, and in all respects but signature ready for issue. Hence the Treasury knew at this time—namely, in 1835, that the custody of the paper was in the senior clerk, and that he, if he liked to commit a fraud, had ample opportunity. Such was Sir J. Newport's report, but Sir J. Newport had no power to alter the course of the office; his noble Friend (Lord Monteagle) had no power to do so, but only to suggest to the Treasury. No doubt, if either Sir J. Newport or his noble Friend had entertained an idea that anything of the sort was likely to take place, they would have mentioned the matter more in detail to the Treasury, and he quite agreed with his noble Friend, that after the lapse of 150 years, during which succeeding auditors and Comptrollers-general had filled the office, it was most natural and a venial error in his noble Friend, as it was in Lord Grenville, to be unsuspicious that any fraud could take place in this process. Experience had not then shown the risk that was run, and it was quite sufficient to suggest the means of amendment when they saw that the long course of proceeding adopted in the office had led to the perpetration of this crime. He should say that it was a very slight charge to have overlooked what so accurate and practical a man of business as Sir J. Newport had overlooked, with the scrupulous exactness with which he always reviewed all that was done by his subordinates, or by himself, in reference to the authorities under which he was acting, and the terms of the Treasury orders and warrants, and with the scrupulous and extreme care which he used in comparing his authorities with the statute, and what Lord Grenville himself overlooked, Lord Grenville, of all men of business the most accurate, he should say, the most punctiliously accurate, who was much more likely to err from over-scrupulous care than from anything approaching to negligence. He (Lord Brougham) did think that it was a want of common candour and fairness to charge his noble Friend with negligence for not having attended more accurately, more punctiliously, more over-scrupulously to business than his right hon. Friend Sir John Newport and than Lord Grenville. He therefore must say, that nothing could be more triumphant than the vindication his noble Friend had offered to the charges made against him, and he hoped he had satisfied their Lordships that the vindication of his right hon. Friend Sir J. Newport—against charges not brought by his noble Friend, but which appeared in the report by implication and inference—had been equally satisfactory. That vindication, however, had become absolutely necessary. Next to integrity, which no one dreamt of questioning either on Sir J. Newport's part or that of his noble Friend, there was nothing so important as accuracy in a department having such momentous interests confided to its cares; and dishonesty itself could hardly do worse mischief than might be the result of neglect.

Lord *Monteagle* rose for the purpose of disclaiming entirely any intention of making the slightest imputation against his right hon. friend Sir John Newport. His noble and learned Friend who had just sat down had anticipated this assertion on his part, by saying that the imputation rested upon inferences to be drawn from a sentence contained in the report now lying on their Lordships' Table. If there was a single living being to whom he was under the greatest personal obligation, that being was his right hon. Friend Sir John Newport. He had known him from a child; indeed, he had been, as it were, the child of his political adoption, and he had acted with him for twenty years, and he had been during that long period under indescribable obligations to him in the House of Commons. However, all that he had asserted was, that he had taken a little additional precaution—that of initiating the papers brought to him—a course which had not before been practised. The object of this was to prevent the same paper being laid before him twice without his at once discovering it. His noble and learned Friend had gone with minute accuracy through all the details of the Comptroller-general's office, and had said that a fraud could not be practised, except by an extensive conspiracy among many parties. All he had done had been put in force for the protection of the public, and if it had not turned out as well as he expected, he was sure his right hon. Friend (Sir J. Newport) would be the last man in the world who would ever dream, that under any personal circumstance, either as a witness, as a Member of Parliament, or as a private individual, it could have entered into his brain to throw any imputation upon him. His whole defence was, that Sir John Newport had done right, and that he also had done right.

Lord *Brougham* said, he too was sure that if Sir John Newport had seen the evidence, he would not consider the imputation to have been intended, but merely the effect of inference, such as he (Lord Brougham) had stated.

The Duke of *Wellington* was glad his noble and learned Friend opposite had made the speech he had just delivered in defence of Sir John Newport, because it must have shown the noble Lord who had brought forward the present motion that while he, through inadvertence, had made a charge against an individual for whom he entertained the highest respect and regard, the noble Lord and the House would remember that by a similar inadvertence a charge had been brought against the noble Lord himself, though the commissioners had never intended to make any such charge at all. He stated this for the satisfaction of the mind of the noble Lord, convinced as he was that no such thing had ever been intended, and, most particularly, not on the part of her Majesty's Government. He was not at all surprised that the noble Lord should have been anxious to bring the question forward with a view to his own justification. The matter now stood in a situation which rendered a discussion upon it necessary, that the whole matter should be sifted to the bottom, and it was seen whether or not blame did attach to the office at the head of which the noble Lord was placed. But he (the Duke of Wellington) must say again, that he had never heard of any blame charged against the noble Lord by any authority. Nothing of the kind had ever passed in their Lordships' House or in another place, and under these circumstances he had felt from the commencement of the Session it would be better to postpone any motion for inquiry until some steps were taken in the other House of Parliament (where such an inquiry ought properly to originate), and until the Government came forward with some measure upon the subject. Such a measure had been submitted to Parliament, and of that measure the noble Lord himself had expressed his approval, but said he was desirous that the inquiry which that measure would put in motion should be extended, and in a more pointed manner directed to his own department. He did not know whether in this House it would be possible for the noble Lord to move an amendment to the bill to extend the inquiry when it came up from the Commons. Probably not; but the noble Lord, of course, must have friends in the other House who could there make such a motion; but if the noble Lord would be kind enough to put down on paper what he wished to be done, and furnish it to him (the Duke of Wellington) to-morrow, he would between this and Monday speak to others on the subject and give the noble Lord a distinct answer upon it. It appeared that these frauds had been in the course of being carried on since the month of April, 1836, and that several persons had a knowledge of them; some amounting only to suspicion—some with a supposed guilty knowledge, and it was supposed, that although there were many innocent sufferers from the effects of these frauds, yet a great number of the holders of these fraudulent Exchequer bills were believed to have a knowledge that they had been issued under fraudulent circumstances. In this state of things it was absolutely necessary that the Government should make a searching inquiry into the matter, in order to do justice between the parties and the State—to protect the fair holders of the bills, and to support the credit of those securities for the future. With these views, he trusted their Lordships would approve of the measure introduced elsewhere, when it came before them, and that in the meantime they would not attempt to interrupt or throw any impediment in its way, by establishing an inquiry in that House, which after all would be liable to objections, some of which had been pointed out by his noble and learned Friend opposite—namely, that from the inquiry to be carried on by commissioners under the operation of the bill which had been proposed by his right hon. Friend the Chancellor of the Exchequer, and which the Government hoped to have passed, various questions of law might arise, which might come by way of appeal or writs of error before their Lordships, sitting in their judicial capacity. Under such circumstances, he was always desirous that no movement should be made in that House which might be avoided, until it regularly came up in the shape of a legislative measure, or by way of appeal to its judicial character. Until that happened, he was anxious their Lordships should take no step, and, above all, that they should not pledge themselves to anything. He had read the report with great attention, and he agreed in much that had been stated by his noble and learned Friend, that there was no charge made against the Comptroller-general's office—though there might be many things in it which required amendment, especially under the act of William 4th, which did not appear to him a very wise arrangement. On the contrary, he thought the former arrangement better. However, he did not wish to give any further opinion at present, because he felt it would be his duty to sustain matters as they were until the existing evils were brought to a close, until it was settled what was to become of the holders of these fraudulent securities, and then to amend the system, and take care that such a misfortune should not happen again. He need scarcely repeat, that he should wish the noble Lord to withdraw his motion; and if he would be so kind as to send him in writing the words he wished to have inserted in the bill now before the other House, he would let him know between this and Monday what could be done.

Lord *Monteagle* said, their Lordships would easily imagine the course he should follow on the present occasion. His noble and learned Friend lent his countenance to the proposition that there should be brought before the commissioners the effects of any amendments in the Comptroller-general's office. That was entirely his object, but he should be most ungrateful were he to sit down without expressing his acknowledgments that, except for the little by-matter between his noble and learned Friend and himself, he had been led to know that on his part, as well as on the part of the noble Duke, there was no charge on the face of the documents against the conduct of the Comptroller-general's office. With respect to his own feelings, such an expression of these opinions would be sufficient; but this was a matter which concerned the public, and would survive the noble Duke and all who now heard him, and therefore it was proper all doubts should be solved by the inquiry about to be instituted. Thanking their Lordships for the extent of the indulgence they had shown him, he begged to withdraw his motion.

Motion withdrawn.

Adjourned.

HOUSE OF COMMONS,

Friday, March 4, 1842.

MINUTES.] BILLS. *Public.*—1°. Copyright; Corn Importation; Forged Exchequer Bills.

2°. West India Clergy.

Private.—1°. Holywell Roads; Newgate Gaol (Dublin).

2°. Weston-super-Mare Improvement; Boston Harbour; Edinburgh and Glasgow Railway; Cheltenham and Great Western Union Railway; St. Pancras Improvement; Duke of Bedford's Estate; St. Austell's Market.

PETITIONS PRESENTED. By Mr. Marsland, from Manchester, Mr. Busfeild, from the same place, Lord Duncan, from St. Marylebone, and other places, and other hon. Members, from a considerable nnmber of places, for the Repeal of the Corn-laws.—By Sir D. Roche, from Millers of Limerick, and an hon. Member from Millers of Gloucestershire, to Encourage the Importation of Wheat in preference to Flour.—By an hon. Member, from Corn-law Inspectors, for Compensation.—By Mr. F. T. Baring, from Portsmouth, for Permitting Foreign Corn in Bond to be Ground for Exportation.—By Mr. Cavendish, from Youghall, against such Permission.—By Mr. Ainsworth, from Little Bolton, and Lord G. Bentinck, from Lynn, against the Borough Improvements and Buildings Regulations Bills.—By Colonel Conolly, from Letterkenny, for the Abolition of Church Patronage.—By Mr. J. Young, from Bailiborow, and other places (Ireland), for Legalizing certain Marriages by Dissenters.—By an hon. Member, from Haverfordwest, against making Bristol the point of communication with Ireland.—By an hon. Member from Tiverton, for Facilitating the Appointment of Trustees for Charitable Objects.—By Mr. Mitcalfe, from Tynemouth, to Exempt Literary and Scientific Institutions from Taxation.—By Mr. Tennyson D'Eyncourt, from Old and New Kent Roads, for the Redemption of Tolls on the Metropolitan Bridges; and from Lambeth, for a Share in any Grant made for Metropolitan Improvements.—By Mr. Litton, from Aughaulor, for an Alteration of the System of Education (Ireland).—By an hon. Member, from Keiss, for the Better Observance of the Sabbath.—By Sir D. Roche, from Limerick, for Amendment of the Municipal Corporations (Ireland) Act; and from Licensed Victuallers of Limerick, for placing those of Ireland and England on the same footing.—By Mr. T. Duncombe, from Myton, for an Alteration of the Poor-law.—By Mr. O'Connell, from Warrington, for a Repeal of the Union.—By Sir Charles Douglas, from Liverpool, and Bridgewater, in favour of the Municipal Corporations Bill.—By an hon. Member, from Alnwick, for Reconsideration of the Taxes on Land.

IMPORTATION OF CORN FROM AMERICA.] Sir *R. Peel* said, that the hon. and gallant Officer opposite had the other evening given notice of a motion for information respecting the time occupied by vessels laden with corn in their passage from the various parts of the United States to Liverpool. He had since ascertained that there were no means of gaining official information on this point directly from the Customs at Liverpool; but he had obtained a statement from the American consul at that place, which would perhaps answer the hon. and gallant Officer's purpose, and if so, the hon. and gallant Gentleman could, if he pleased, now move for this return.

Sir *C. Napier* said, that he did not want to go to the American consul for the information in request. He should have imagined that the proper quarter whence to obtain it was the Packet-office, and he was only sorry to find that the accounts at that office were kept in so extraordinary a manner.

Sir *R. Peel* said, the information he had proffered was the best he had been able to obtain.

Sir *C. Napier* said, that if the right hon. Gentleman was satisfied with going to the

American consul for information, he had no objection himself; and the hon. and gallant Officer then moved that there be laid on the Table a return of the number of vessels laden with corn which, between January 1, 1841, and January 1, 1842, arrived at Liverpool from the various ports of the United States, and the number of days occupied by each vessel on the voyage.

Sir R. Peel laid the return on the Table.

Sir *C. Napier* said, that the return included the vessels laden with flour, information as to which he had not asked for.

Sir *R. Peel* said, that the vessel of which the hon. and gallant Officer spoke in the first instance was laden with 1,000 barrels of flour.

Sir *C. Napier* said, the flour did not come from him, but from an hon. and gallant Officer opposite.

Subject at an end.

LOSSES AT PORTENDIC.] An hon. *Member* begged to ask the right hon. Baronet at the head of the Government whether any, and if any, what progress had been made in the negotiation with France, in relation to the indemnity claimed by certain British subjects, for losses sustained in trade at Portendic, in Africa, from the conduct of the French authorities.

Sir *R. Peel* said, that some time ago, he believed in April, 1840, a joint commission was appointed by the Governments of this country and France, for the purpose of inquiring into the claims on account of the Portendic affair, and in the hope of coming to some satisfactory settlement. There had been frequent delays in the proceedings of the commission, but very recently the English commissioner had returned to Paris, and the proceedings were renewed. Without being able to convey a distinct impression to the House, he entertained the hope that the commissioner would be able to come to some satisfactory conclusion. If that hope should be disappointed, and the commissioners be unable to come to any satisfactory conclusion, he would take the earliest opportunity of giving notice of the interruption.

EFFECT OF CORN AVERAGES ON TITHES.] Mr. *Milner Gibson* wished to know from the right hon. Baronet at the head of the Government whether any communication on the part of certain dignitaries and clergy of the Established Church, had taken place with any Member of her Majesty's Government, relative to the new system of taking the corn averages, and expressing a fear, on the part of the Church, that drawing the averages from an increased number of towns would have an unfavourable effect on the tithe-rent charge; also praying the Government to adhere to the existing system of averages, on account of that apprehension.

Sir *R. Peel* said, he was in the habit of receiving forty or fifty letters every day on the subject of the Corn-laws, and he could not undertake to speak as to the contents of them all. He had seen some letters on the subject to which the hon. Member referred, drawing exactly opposite conclusions. He was not aware of any formal communication, such as he supposed the hon. Member referred to, at least he had received none. He had no communication on the subject referred to, except individual letters, and those in no great number, and no formal communication from any body of men.

CORN AVERAGES—ADDITIONAL TOWNS.] Lord *J. Russell* said, he had understood from the Vice-President of the Board of Trade, that before the House went into committee on the Corn-Bill, the list of new towns would undergo re-investigation, with a view of seeing whether any had been improperly selected, or any which should be left out. He had received several letters on this part of the subject, stating, that there were places in some particular counties where there was a regular corn trade excluded, and some where very little corn was sold left in the list. He did not mean to say, that there had been any partiality, but he wished to know whether, at any time, there would be a statement of the reasons for deciding on the particular towns which had been selected.

Sir *R. Peel*: Let me bring up the bill, and I will answer the question.

CORN-LAWS — MINISTERIAL PLAN — (FIRST READING OF THE BILL).] The Bill brought in and read a first time. On the motion for fixing the second reading,

Sir *R. Peel* said, he would take that opportunity of answering the question which the noble Lord had just put. This bill had been drawn up in conformity with the resolutions which had passed through committee, and assented to by the House. It had been drawn up in general conformity with the explanation which he had made on the part of her Majesty's Government on moving for leave to bring it in. There were one or two points which it might be convenient now to state with respect to it. In the first place, with respect to the present inspectors, he had received a great many communications, representing the hardship of immediately removing them, and that removal would give ground for claims for compensation, which he was certainly very anxious to avoid, when it could be done consistently with the due performance of the public service. The arrangement which he proposed to make with respect to inspectors was this—in all new towns to place the averages under the Excise-officers, acting under the authority of the Board of Excise. In existing towns to continue in office those inspectors who might be perfectly efficient for the performance of their duties, and to place them under the control of the Board of Excise. Power was to be given to the Treasury, acting in concurrence with the Board of Trade, if they deemed it advisable, to grant superannuation allowances to inspectors removed from office, where, from length of service and good conduct, they might be entitled to retiring allowance. The whole duty would be performed by the Excise without expense, or at a very small additional expense to that attending their other functions. There would, therefore, be a saving of the chief part of the present expense of taking the averages. With regard to the period at which he proposed, that his bill should come into operation—a point on which a question was put to him the other night—as the bill was, in every instance, a relaxation or remission of existing duties, it appeared to him desirable (and he trusted all would concur in this) that when the bill received the assent of the Legislature, it should come into operation as speedily as possible. Its practical operation might be postponed until the new system of averages could be applied to the regulation of the duties, or the new duties might be regulated for a short period by the present system of averages. He thought, upon the whole, that it was for the public interest that the bill should come into operation as soon as possible, and therefore he did not propose that it should wait for the new system of averages. The bill, therefore, upon passing into a law, would come immediately into effect. The new duties would be regulated by the old averages at first, and, at the termination of the first six weeks, the new averages would take effect. With respect to the noble Lord's question, the revision in the list of towns which had been promised had taken place. He had stated from the first, that in extending the area from which the returns were collected, his object was to have more accurate means of judging of the quantity of corn sold, and of the price of that corn, and also to take additional precaution against fraudulent combinations for the purpose of affecting the averages. He had uniformly stated, at the same time, that in adding to the list of towns, he had no design to affect indirectly the amount of protection to domestic produce. He did not wish to diminish the average price, or raise the duty by increasing the number of towns. The noble Lord asked on what principle the towns had been selected. It was exceedingly difficult to act on any very satisfactory principles in the selection. It was not very easy in towns in which there were no inspectors to ascertain their relative importance, or the quantity of corn sold. It was evidently very difficult to determine the importance of the markets in towns so circumstanced. But in the revision of the list of towns, they had acted on this principle, which appeared to him a fair one. At present, there were 150, or perhaps 151 towns, in which averages were collected by means of inspectors, and of these a certain number were in the midst of agricultural districts, and a certain number were chiefly of a manufacturing and commercial character. They took first the manufacturing and commercial towns which were not now included in the list, and added them to the existing number. They then made a selection of towns in agricultural districts, and attempted to maintain the same ratio between them and the manufacturing towns added, which existed between the agricultural and manufacturing towns of the existing list. That was the principle on which they attempted to proceed. The noble Lord would have an opportunity of seeing the list, and of course of showing omissions in it if there should be any. Some gentlemen might have local information, which he (Sir R. Peel) had not the means of procuring. There might be errors in the list of towns, and some which were omitted might be of greater importance than some which were selected. He could only say, that he had taken all the means in his power to collect the most important towns, and if any one could point out an error, it would be a subject for discussion when the bill was in committee. It was his wish—subject of course to the pleasure of the House—that as the sense of the House had been marked with respect to the resolutions, the measure should be framed as rapidly as it could, consistently with that degree of deliberation which the House might think fit to give to its details. He would, therefore, propose to fix the second reading for Monday next. If it should be desired again to debate the measure upon the principle, and if other business should prevent there being time for considering it—of course, he would not bring it forward at an hour unsuitable for that discussion. If the sense of the House was in favour of the bill, as an improvement of the existing law, he would do all in his power to bring it into speedy operation—not pressing it on unduly against the wish of those who might be inclined to take part in the discussion of it. He believed the bill would be printed to-morrow. He should fix Monday for the second reading, with the understanding that, if the business of supply should occupy the attention of the House until a late period on that evening, the second reading should be fixed for a future day.

Bill to be read a second time on Monday. It was ultimately fixed for Wednesday.

THE MANUFACTURERS—THE TRUCK SYSTEM.] Mr. *Cobden* had to claim the indulgence of the House in a matter personal to himself. It would be in the recollection of the House, that a week ago, an hon. Member had stated some facts referring to him. It was stated, that while he was complaining of the operation of the Corn-laws, he was working his mills night and day, by which cruel means he had amassed a large fortune. The facts not being then within his knowledge, he did not think proper to answer this statement; but he had written into the country for the fullest and most precise information, that he might meet the charges with statements of facts. He might first mention, that the concern in which he was interested, employed 600 persons, and during the last eighteen months they had employed at night twenty men. Of these, ten were employed from the 31st of July to the 4th of September, and during the long interval he had mentioned, eighteen months, ten were employed casually in finishing up particular dressings, work which the business occasionally required. Now, the charge of cruelty towards himself of course implied, that the same men were employed night and day. He might, therefore, be allowed by the House to explain that they had furnished work by night to hands who were out of work, and who would have had nothing else to do, if they had not employed them. He would read an extract from the letter he had received on this point. It was as follows:—

> "I only wish we could employ 500 extra hands at night at the present time; we could have 5,000 if we required them, and very glad the poor fellows would be to get to work at at night. The working men were never so badly off as they are at the present time since I can remember."

Now he might mention, with regard to the cotton-printing business, as the House did not seem to have a very clear knowledge of the distinction between a cotton mill and a print work, that cotton printing, like some other branches of trade, had its seasons, and to prevent a cotton printer from occasionally employing half a score men at night, in particular seasons, would be like interdicting the printing of magazines, which were required once a month, or of newspapers, or any other work which was required to be performed in a very short period. He mentioned this, in order that hon. Gentlemen might know, that there was a distinction between a cotton print work and a spinning mill. He hoped that the two had not been confounded, from a desire of fixing upon him that peculiar odium which seemed to be attached to the cotton-mill. Between the two there was, in fact, no more analogy than between a cotton-mill and that House. The hon. Gentleman opposite had made a sweeping charge against the Anti-Corn-law League, stating that the manufacturers who belonged to that body paid their wages upon the truck system. Now, that as a violation of the law, or at best an evasion of the law, was a very serious charge; and as he was proud to avow himself a very conspicuous member of the Anti-Corn-law League, he hoped he might be allowed to state, as far as he was interested, how far that charge was deserved. He would read another extract from the letter to which he had referred:—

> "You are aware, that our wages are paid every Saturday morning, and our rule is, that

every person on the works shall be paid by eight o'clock with money, so that they can lay out their money to the best advantage, when and where they please."

Now, nothing could possibly be more futile than for a person like himself to stand up there and to disclaim the truck system if he practised it; for he could assure them that the shopkeepers in the neighbourhood of any large establishment were exceedingly jealous, and very acute in perceiving who were the parties who paid in money and who were not. He, therefore, begged to say, in answer to the hon. Gentleman opposite, that he had paid 20,000*l.* a year for wages for some years, and that he had never either directly or indirectly, been concerned in keeping any shop about the establishment; every farthing had been paid in money. That fact was notorious to every one in the neighbourhood of the establishment to which he belonged. And now he must be allowed to state, that the hon. Gentleman opposite, when he made his charge so broadly, without excepting him, was aware at the time, from an hon. Gentleman opposed to him in politics, who lived near to his establishment, and who had told the hon. Member, that as far as he was concerned, that charge was unfounded. He now called on the hon. Member for Wigan, though an opponent in politics, to state whether every word he had now alleged was not the truth. As he had said a week ago, he would however repeat, that he considered this to be a very undignified occupation for that House, and he might be allowed to state, that in future he hoped he should not be expected to come forth and occupy the time of the House in refuting charges of this kind from the same quarter. If any hon. Gentleman should condescend to take the slightest interest in his personal character, he would refer him to his neighbours and to his work-people. He would refer him directly to them, and if any hon. Gentleman in that House or out of it, should take upon himself to speak as to his character, he should wish to observe towards that person the golden rule of "doing unto others as he would have others do unto him," and institute inquiries as to his character in his own neighbourhood. Before sitting down, he might be allowed to state, that an hon. Gentleman, in that House had been entrusted with a declaration from a large body of individuals in Lancashire, who had requested him to lay before that House a distinct denial of the charges so broadly made against the members of the Anti-Corn-law League. He was much obliged to the House for the patience with which they had heard him.

Mr. *Villiers* said, that as he was the person that his hon. Friend the Member for Stockport had referred to, as having in his possession certain statements made by persons who had been charged by the hon. Member for Knaresborough, the House would, perhaps, allow him at this moment to call their attention to their contents. The House would remember the circumstances under which those charges were made; it was on the occasion of the motion which he had made on the Corn-laws, and upon the Member for Knaresborough speaking upon the question, and resting his argument against it upon certain things which he imputed to those manufacturers who had contributed to the Corn-law League. Those charges were of so serious a character, and appeared to produce so striking an effect on the opposite side of the House, that he was induced to observe, in his reply, that the matter could not rest where the hon. Member had left it, and that he thought that the Member who had so assailed the character of these persons, as well as those who, by their cheers, marked their belief in his statements, were bound to take some steps to substantiate them. What passed, however, in the House that night having become matter of notoriety out of the House, many of the persons whose characters were thus impugned, were advised, as far as those charges were of a specific character, so far to notice them as would satisfy the public of their incorrectness. What he held then in his hand, was a document which had been forwarded to him that morning, containing the extract from the hon. Gentleman's speech, with a declaration under it, signed by seventy-two among the principal manufacturers in Lancashire, who were chief contributors to the Corn-law League, and which, with the leave of the House, he would then read. It begins with the passage in the hon. Gentleman's speech, which was as follows:

"When detailing the other night the misery, the oppression, the plunder and robbery, committed on the poor by the Anti-Corn-law League manufacturers, I brought under the notice of the House the evils of the truck system. I have since received some further information upon that subject. But before I read to the House a statement which will make it stand aghast, which will freeze its blood with horror, I wish particularly to re-assert, in the presence of the House, that I do not charge the whole of the manufacturers of England with being parties to this nefarious system. I positively declare, that I charge only the Anti-Corn-law League manufacturers. I have been told by many manufacturers in my own neighbourhood—as honourable men as ever lived, and of whose society I am proud—I have been told by them, time after time, that they cannot compete with the Anti-Corn-law League manufacturers, because it was their practice to pay their men in money, and not in goods. . . . . The manner in which the law was evaded was thus described. On Saturday the people went into a room to receive their wages. They were paid at the time in money, but instead of retiring by the door through which they entered, they had to pass into another room, in which sat a person who kept the books of the truck shop, and to whom the workmen had to pay every farthing that they had expended during the previous week in buying goods and clothing; and if it were proved that any one of the men had purchased one single farthing's worth of goods from any other shop than that which belonged to his master, he was, without one word of explanation, discharged. . . . . It is a notorious fact, that the master manufacturers clear 25 per cent. by the goods they sell to their workmen."

He had taken the liberty of stating at the time that he thought these charges ought not to rest there, and that those who cheered the hon. Member, were bound to see that he established his charges against the persons whose characters were attacked. The manufacturers having considered his statement, had, in a formal and deliberate manner, drawn up the following denial of the charges:—

"We, the undersigned manufacturers, and others, engaged in and connected with the cotton trade, being subscribers to the Anti-Corn-law League, having read with feelings of disgust and indignation the above extracts from Mr. Ferrand's speech, do hereby repudiate, in the most unequivocal manner, the charges therein contained, and do declare that, as far as we are concerned, they are utterly destitute of truth; that we keep no truck shops, and that we do not pay our work-people in any other way than in the current coin of the realm.

"Signed by seventy-two Members of the Anti-Corn-law League."

This, Sir, is what these persons said to the charges brought against them in this House by the hon. Gentleman; he had read their names to the House, and he was perfectly ready to furnish that Gentleman with the list, with their residences appended; and he thought now that the House would say, that that hon. Gentleman was bound to justify or retract what he had stated.

Mr. *Ferrand:* first of all, in reply to the hon. Member for Stockport, I beg leave most distinctly to state that I did not charge him with cruelty to his workmen. The hon. Member has not given me notice of this, but so far as I can recollect at the moment, I shall state what I said. I said that the hon. Member for Stockport, whilst night after night he was proclaiming that the Corn-laws were the cause of the distress of the country, was working his mills both day and night. I never used such an expression as "abominable cruelty," and I never referred to ill-treatment of his towards his workmen. The hon. Member said, that I charged him with practising the truck-system. I never did charge him with that. If it was my intention to charge the hon. Member with practising the truck system, I should have plainly told him so in his presence. An hon. Member, as he has stated to the House, had previously told me that the hon. Member for Stockport was not guilty of the truck system, that he paid his workmen in money. I hope I have said sufficient to satisfy the hon. Member that I did not charge him with the truck system. With regard to what the hon. Member for Wolverhampton has stated, I beg leave to assert that I am prepared to prove, by credible witnesses, before a committee of this House, that members of the Anti-Corn-law League paid their workmen's wages in goods. [An hon. *Member*, "You charged the whole of them."] I did not say all. I never used the word "all." But now I again assert that I am prepared to prove, on the oath of magistrates, of clergymen, of gentlemen of high standing, of manufacturers, of tradesmen, and of workpeople, who have given me their names since I brought this question before the House, and who have declared, not only that they are ready to come forward before a committee to prove what I have asserted, but what an hon. Member of the other side of the House said he was ready to do, they are prepared to prove every word I have stated, and ten times more.

Mr. *Villiers* rose and said, I must repeat as distinctly and unequivocally as I can, that the hon. Gentleman did charge all the manufacturers. [" *Cries of order.*"]

The *Chancellor of the Exchequer* rose to order. He would suggest that when an hon. Member declared positively that he did not use certain words, it was not consistent with the usage of Parliament for another hon. Gentlemen to rise immediately and positively deny that statement.

Mr. *Labouchere* rose also to order. He did not understand his hon. Friend the Member for Wolverhampton to assert that the hon. Gentleman opposite charged all the manufacturers, but that the hon. Gentleman had charged, as he certainly understood the hon. Member for Knaresborough to do, the bulk of the manufacturers of the Anti-Corn-law League with paying their men by the truck system.

Mr. *Villiers* said, I trust the House will allow me to state what did take place on a former evening. Hon. Gentlemen present can bear me out in the correctness of the statement. I did misapprehend the hon. Member for Knaresborough in one respect. In my reply I said he charged all the manufacturers. That led to a disclaimer on the other side of the House, and at the same time some one reminded me of what the hon. Gentleman had said. I then said, "I understand the hon. Gentleman limited his charge to all the manufacturers who contributed to the association of the Anti-Corn-law League." The hon. Gentleman touched his hat, and said, "Decidedly." I do not say that the hon. Gentleman used the word "all," but that he included in his charge every manufacturer who had contributed to the Anti-Corn-League.

The *Speaker* said, it was contrary to order to repeat a statement to which a positive denial had been given by the hon. Member for Knaresborough. When any hon. Member made a statement in his place, it could not be questioned, by the rules of the House by any other hon. Member.

Mr. *Villiers* said, then if I misapprehended the hon. Member, I am ready to receive his explanation that, instead of all the manufacturers of the Anti-Corn-law League, he alluded only to some individuals.

Sir *B. Hall* said, the hon. Member for Salford had a motion for Tuesday next for returns relative to the truck system, upon which the hon. Member for Knaresborough had given notice of an amendment to extend it. Supposing the information could be obtained, and he feared it would be difficult to get it, would the hon. Member for Salford propose an inquiry into the truck system? He hoped he would do so, for knowing as he did, that the truck system existed to a great extent in the part of the kingdom with which he was immediately connected, after the statements which had been made, he thought it was utterly impossible for the matter to rest in its present stage. He did not believe it was in the power of the Legislature to put down the truck system completely, but by inquiry into it, and making public the result, it might be much checked.

Mr. *Brotherton* intended to move for a return of the cotton, woollen, hose, and silk mills, in which the truck system existed, because those mills were regulated by Act of Parliament, and the inspectors could furnish the returns. With respect to factories not subject to inspection, he did not see how the information could be obtained. His object was not to show the extent to which the truck system existed, for he believed, that it was not practised by any factories subject to inspection by law. He had made inquiry on the subject, and had ascertained that the inspector could make the return.

Lord *John Russell* said, before he made any observation concerning the second reading of the bill before the House, he thought it important that the House should understand the manner in which the question rested with respect to accusations brought against certain of the manufacturers of this country. He certainly did not understand any allegation to have been made positively of all the manufacturers belonging to the Anti-Corn-law League. He understood the accusation to have been made with the explanation that it did not apply to all the manufacturers of England, but only to those belonging to the Anti-Corn-law League. Certainly, the impression with which he went away—he did not know the precise words used—was, that the accusations were applied to the great bulk, the great majority of those manufacturers; that the general description of the manufacturers belonging to the Anti-Corn-law League was, that they were guilty, first, of fraudulent practices with regard to their manufactures, and, in the second place, of actually cheating their workmen, by paying them in goods worth 25 per cent. less than were charged. It now appeared, as he understood the explanation of the hon. Member for Knaresborough, that what he meant was only that some of the manufacturers of the Anti-Corn-law League were guilty of these practices, and that, to that extent, he was ready to prove his statement. That certainly was not in contradiction with the declaration read by his hon. Friend. There might be manufacturers belonging to the Anti-Corn-law League who had been guilty of these practices, as there might be manufacturers in favour of the Corn-law who were guilty of the same. In like manner, charges might be brought against farmers. Some cases might be found of farmers paying the wages of their labourers in a very narrow and oppressive manner. What was to be avoided, if possible, was bringing forward charges of this kind in such a manner as to produce the impression that any great body of our countrymen, whether engaged in manufactures or in agriculture, were guilty of fraudulent practices. It was much to be regretted that when the hon. Member made an accusation so limited and so confined, that he did not express himself more cautiously, and much more guardedly; and above all, that those who listened to him should not have instantly come to the conclusion, which it seemed to him they had now arrived at, that the hon. Member had directed his charges against all the manufacturers who were members of the Anti-Corn-law League. The hon. Gentleman had, on further explanation, stated, that he had the means of bringing charges against certain persons, and no doubt he would have the opportunity of doing so. That was the way in which the case rested at present. He, for his part, had heard with pain the speech of the hon. Member. He had seen with very great pain, likewise, the charges that were to be found in many speeches made not in that House, but out of that House, by those who belonged to the Anti Corn-law League. There were charges imputing to those who were for maintaining the Corn-laws, that they wished to maintain them, and were animated with the wish so to maintain them, in order that they might enjoy a revenue at the expense of the people. He did not think that anybody would deny that such charges had been made. Whatever a person's occupation might be, that mode of occupation might bias the person's views as to what were the views of the national interest; but then it was not to be supposed that any part of their fellow-countrymen were really influenced by sordid views and selfish interests solely, either in maintaining, altering, or repealing any code of laws. Charges so unfounded ought not to be brought forward by any one. With respect to the motion of the right hon. Gentleman, as to the reading of this bill a second time, he must say, from the communications that had been made to him, he believed it was the intention to take a debate upon the principle in question—whether or not it should be made the settlement of a question that had been so long debated. That, then, being the case, he did not say that the question could be brought on on Monday, and that they could debate and divide on the question; but if it were brought on after the estimates, it would be impossible for them, with any effect, to enter upon the second reading. He hoped, then, the right hon. Gentleman would not bring on this bill after the estimates, for it could not lead to a satisfactory termination. It certainly was the intention to take the debate and sense of the House with regard to the principle of the bill.

Mr. *Ferrand* had, he said, asserted that there were frauds perpetrated in manufactured goods in this country, and it prevailed to a very great and frightful extent. Not only that, but the truck system was daily on the increase; and what would be the end of it for the working people he knew not.

Mr. *Villiers* begged, as far as his recollection differed from that of the House, to read just one line of the speech made.

The *Speaker* conceived that the hon Member must be perfectly aware, that to read the report of a speech, in the Session of Parliament in which that speech was spoken, was decidedly irregular.

Mr. *M. Philips* wished to ask a question of the right hon. Gentleman at the head of the Government, as well as the Vice-President of the Board of Trade. It was with reference to a portion of the speech delivered by the hon. Member for Knaresborough. It was in his recollection that the hon. Member, in discussing the truck system, had made a sweeping charge, particularly against those whom he had the honour to represent—those engaged in the manufacture of cotton. It had been stated by the hon. Member, that their foreign trade had suffered from that which was described as a certain practice of using flour to fill up the substance of the goods. Now, he wished to know from either of the right hon. Gentlemen opposite, if they had heard of any diminution in their foreign trade in this article, from the mode in which the cotton goods were prepared?

Sir *Robert Peel* stated he could only give his opinion upon facts that had been represented to him. He had no recollection of having seen any representation of that description.

Subject at an end.

Financial Statement.] Sir *R. Peel*, in answer to the question put to him by the noble Lord (Lord John Russell), wished to state that his motive for naming Monday for the second reading of the Corn-law Bill was solely in reference to the public interest and the general convenience. He wished it should be known that what he was about to say, in answer to the noble Lord, was as to the course that he was desirous to pursue, and then he must depend entirely on what might be the pleasure of the House. He received daily communications which urged upon him the advantage of taking the earliest opportunity of stating what were the views of her Majesty's Government with respect to financial matters, and the commercial affairs of this country. He felt that there was much justice and force in these representations, and therefore it was, that he had given notice for voting the estimates that night for the navy and army in a committee of supply. Wednesday being the 23rd of March, they were to recollect that the following Friday was a day on which they could not meet. On the 24th, Thursday, there would then be a necessary interruption to their attention to Parliamentary business. He proposed, then, that the estimates for the army and navy should make such progress in committee of supply as would justify him in explaining the intentions of her Majesty's Government, both as to their financial and commercial affairs. Under all the circumstances in which they were placed, he was most anxious not to postpone his statement beyond that day week. Because, if he did, there might be a difficulty in the House coming to a definite judgment, with regard to his statement, before its separation. With reference to himself, he had no personal convenience to consult; but seeing the interruption that necessarily took place in commercial transactions, and that it must continue until all doubts were solved with respect to the intentions of Government, he should be most anxious for the public convenience, and the public convenience alone, to m his statement that day week. He should not insist that the whole of the army and navy estimates should be voted before he made his statement. He wished to avail himself of no pretext for postponing it; but he thought it was of great importance that the House should pronounce an opinion on the main branches of the naval and military service, and whether the general views of the country coincided with what the Government deemed to be the necessary demand to be made upon it. It was of importance that the House should declare its opinion as to the amount of force to be kept up both in the navy and army. When the House had determined what they considered would be necessary for the maintenance of the navy, the number of its seamen, and for the upholding the military force—when votes for these purposes were reported, he should feel himself justified in proposing that the House resolve itself into a Committee of Ways and Means, and on the foundation of the votes then passed, explain the views and intentions of her Majesty's Government. As he had said before, it was his own impression that the public convenience should be consulted by adopting the plan that he proposed. He earnestly hoped, then, that the House would affirm the proposal of the Government with regard to the amount of force necessary for the purposes of the country, and that he thus might be in a condition on Friday next of explaining the views of the Government, both as to their finances and commerce. If it were intended, however, to take a discussion on the principle of the bill, he could hardly hope the matter would be disposed of on Monday. It was, however, he deemed, better for him not to relinquish the hope of disposing of it on Monday, but if he were not able to bring on the bill early on Monday, and he would not propose it unless he could do so at an early hour, then he should name Wednesday next for the second reading. He did not mean, he repeated it, to propose the second reading on Monday unless he could bring it forward at such an early hour that it could be fully discussed.

Lord *John Russell* considered it probable, that the navy estimates might be disposed of that evening, or early on Monday. After the statement of the right hon. Gentleman, that he was about to bring forward that which was of so much importance to the country at this moment, he had a request to make of his hon. and gallant Friend (Sir A. L. Hay), who sat near him, and who had given notice of a very important question for that evening. However important the question was—and it was, he admitted, of very great importance—still it was not of such importance as to justify his hon. and gallant Friend in preventing, under present circumstances, their proceeding with a Committee of Supply. He hoped, then, that his hon. and gallant Friend would be induced to postpone his motion, when there was not such a pressure, and allow them to have the financial statement of the Government before them.

Sir *A. Leith Hay* felt very anxious to bring forward the question of which he had given notice; but as a wish had been expressed by his noble Friend, and as the statement of the right hon. Baronet, the First Minister of the Crown, was about to be made, he should, in no way; throw an impediment in that which was of such paramount importance to the country.

Viscount *Howick* considered, that it would be most desirable that they should not hurry forward with the corn bill, even though the right hon. Gentleman did promise them to make his financial statement. If the bill were printed to-morrow, there would be very little time for considering its details. It would be of great advantage, in his opinion, when they knew what was to be the policy as to their trade and commerce—it would be of advantage when they had the financial statement of the Government, to have this bill before them, as it might materially affect the question as to what sort of corn bill they ought to have. If the statement were made on so early a day as Friday, there would be no inconvenience in having the debate on the question of the Corn-law Bill postponed until they had the other measures before them.

Subject at an end.

The Order of the Day for the House to resolve itself into a Committee of Supply was read.

On the motion that the Speaker leave the Chair,

CATHOLIC SAILORS AND SOLDIERS.] Mr. *O'Connell* did not wish to detain the House on the subject, of which he had given notice—religious instruction in the navy and army; but it was of vital importance connected with the subject of voting the sums necessary for supply of the navy and army, that some effective inquiry should be made as to the religious instruction of those in the service of the Queen. They ought to remember, that a considerable portion of these troops were of the Roman Catholic religion. The portion of them employed in the navy was not so great as in the army. Ireland, however, supplied them with one class, for whom the late Lord Collingwood felt particularly interested. Ireland did not supply as many seamen as England; but there were a great number of boys procured from Ireland, who were found to be amongst the very best employed in that service. It being certain, that a considerable number of seamen were Roman Catholics, it must be admitted as a fact, that no provision was made for religious worship, or for any instruction in their religion. Not one single shilling was allocated for that purpose in the navy. The seamen had no communication with clergymen of their own persuasion, and they had no religious instruction. This fact was undoubted, and he submitted that something ought to be done to remedy thi- destitution. Not only were they left withs out religious instruction, but from communications he had received, he found that in some—not all—but comparatively in many of the vessels, the seamen were compelled to attend a religious worship in which they could not conscientiously coincide. That was an evil that ought to be remedied. Then, with relation to the coast guard in Ireland, he had to observe, that several of the coast guard in that country took an active part in controversies in that country. There was one portion of the Achill island which had been much subjected to discussions of this description. This unhappy spirit of dissension had been attributed to some of the officers of the coast guard, who alleged as their excuse an order from the Admiralty, which compelled the reading of prayers to the men by the officer commanding at the station. If such an instruction existed, it ought to be produced; if it were denied, then it must be known how unjustifiable was the conduct referred to. He wanted to know whether such instructions had been given, and if they had, what objection there could be to their being produced? He now contented himself with merely calling notice to the utter destitution of religious instruction for Roman Catholics in the naval service by clergymen of their own persuasion. The hon. Member concluded, by moving for a copy of the instructions given to the water guard in Ireland respecting Divine service, and the reading of prayers to the men.

Sir *R. Peel* had not, he said, made an inquiry as to whether there were such instructions; but if there were he had no objection to their production. As to the other matters to which his attention was called, he considered the subject of too much importance to enter upon it when not fully prepared to discuss it. To the motion, he begged to say, that he made no objection.

Motion agreed to. Question again put.

Invasion of Spain.] Viscount *Palmerston* wished, before the Speaker left the Chair, to ask a question of the right hon. Baronet the head of her Majesty's Government. As the subject on which he wished to make an inquiry was one to which the attention of the right hon. Baronet had been drawn some time since by his hon. Friend, the Member for the Tower Hamlets, and as he was sure, that it was one to which the deep and earnest attention of her majesty's Government must have been given, he trusted, that he should be excused for not having given notice of his intention to ask the question, and he was convinced, that the Government would be able at once to give an answer to it—the subject to which it related was the present state of affairs in Spain, the tranquillity of that country being threatened by an irruption from France. Since the time when his hon. Friend had asked a question on this subject, reports had become still more prevalent of an organization going on in France—of enlistments being made, of dépôts being formed out of the Carlist refugees, and of an organization of a very extensive character, and necessarily involving the expenditure of large sums of money. That these things were now going on in France was a matter notorious to all the world; and it was also known that these things were done for the avowed purpose of an irruption into Spain—of an irruption into Spain, for the purpose of forwarding the views of the Carlist party. He could not then doubt, under such circumstances, but that her Majesty's Government had made a strong representation on these matters to the government of France. The right hon. Baronet had stated on a former occasion the general interest which the Government of England took in the present established order of things in Spain, and upon that ground alone such representations would be justifiable. But the Quadruple Treaty constituted still stronger grounds; for although it might be contended that that treaty had been so far worked out that it could not longer be appealed to for the purpose of calling upon the contracting parties to take active measures in pursuance of its stipulations, yet considering that the spirit of that treaty ought to animate and guide the councils both of France and England, that treaty would not only justify, but seemed absolutely to require, that the strongest representations should in the present state of things be made to the French government on the danger now threatened to Spain, originating in proceedings from France, and which the government of France had the power to prevent. Therefore it was, that he could not doubt but that the English Government had made strong representations to the government of France on this subject. Moreover, he took for granted, that the government of France must have given to the English Government assurances that they would use every means within their power to prevent the combination which was now going on in that country from taking effect. He could not believe, that the French government, owing its origin as it did to the popular will—founded as it was upon popular institutions—would lend itself to any conspiracy that was avowedly and notoriously organised for the purpose of controlling the will of the people of Spain in regard to their own institutions, and for setting up an absolute despotism, or that which nearly approximated to despotism, in Spain. But the experience they had had of the power of the French government, to control transactions of this kind within its own territory, must expose it to the imputation of connivance with the transaction to which he referred, if nothing were done by it to prevent the bursting forth of the conspiracy that was now going on. He wished, then, to ask the right hon. Gentleman, whether, besides the assurances to this effect, which he took for granted had been received by her Majesty's Government from the government of France, that all should be done which it was in the power of that government to do, to prevent the conspiracy from taking effect upon Spain. He asked, then, whether her Majesty's Government were aware that the French government had taken any effectual steps for the purpose of carrying those assurances into execution, and for preventing an irruption into Spain for the purpose of promoting the interests of the Carlist party?

Sir *R. Peel:* The hon. and gallant Gentleman the Member for the Tower Hamlets (Colonel Fox) asked me a question the other night with reference to the reports which prevailed that there was a system of active combination and conspiracy directed against the internal tranquillity of Spain. He stated also, that he had heard rumours, to which he was disposed to give credit, that an active partisan in the late civil war in Spain, General Cabrera, was then in Paris, and actually engaged in organizing a conspiracy. I stated that I had no positive information whatever on that point, that I had heard the report before, but that of course it was impossible for me to answer for a fact of that nature, namely, whether General Cabrera were in Paris or not. It has been supposed that I made an assertion to the effect that he was. The hon. Gentleman will recollect that I made no assertion on that point, but I stated merely that I had heard the circumstance mentioned. The noble Lord must excuse me, if the only answer which I can at present consider myself justified in giving to his questions is, that we have maintained since our accession to power the most friendly relations with the existing government of Spain; that we have done all a friendly Government could do to consolidate that government, and by counsel and advice, where such counsel and advice could with propriety be given, to confirm its authority, from a sincere conviction that during its existence Spain has made as rapid a progress in the restoration of peace and the revival of prosperity as could be expected from a country torn so recently by civil dissensions. Sir, that friendly interest in the affairs of Spain, and in the stability of its present government, still continues. That government, I believe, will be the first to acknowledge the cordial interest we have taken in its stability. We have continually done so; and we certainly have made representations to the Court of France upon the subject to which the noble Lord has referred. But he must excuse me if I decline, from a sense of duty, from entering into any further details. I may take this opportunity of expressing a hope that the Spanish people will rally round the Spanish government; that they will forget their party disputes and internal divisions; and, if they have reason to credit the existence of those conspiracies, that they will feel this to be a time when not the influence of foreign governments, but when their own exertions must be directed to maintain the government which rules over them. And, if they do rally round that government, my belief is, that they will be enabled to defy the combinations and conspiracies which are said to be directed against them. Sir, with my opinions in respect to active interference in the domestic dissensions of other nations, I cannot promise more than the sympathy and cordial goodwill of England. But if the Spanish people are animated by that spirit by which a people struggling for independence ought to be animated, they may depend upon it that they will have, on the part of this country, not active intervention, perhaps, but that sympathy and warm interest in their exertions which will enable them to confirm their independence, and to carry their government triumphant through any struggle to which it may be exposed.

Lord *J. Russell:* Sir, it is most gratifying to find, from the answer of the right hon. Gentleman, that there is but one wish among all parties in England. Both the right hon. Gentleman at the head of the Government, and, I am sure, the people of this country, desire that Spain should be strong and independent. Neither the Government nor the people of England wish any exclusive power or influence in Spain. All that we desire is, that her power and her institutions may be consolidated, and that she may take her place with that influence which ought to belong to the heroic spirit of her people among the nations of Europe. With respect to the measures which the right hon. Gentleman may think fit to take, after what he has said, I cannot ask him to go into any further explanations at present. Whether the policy of this country should be confined to sympathy—whether, after representations have been made, further steps should be taken, must, of course, very much depend on what is actually done by the government of France. If any troubles that may take place in Spain should bear merely the character of civil war, nothing can be more unwise than to mix in those disturbances; but if it should hereafter appear that any incursion that may be made into Spain is made with the money, the arms, and the resources of any foreign Government, then a different result would follow, and then, I think, a different policy may be pursued by the Government of this country.

Mr. *O'Connell* said, he had understood the right hon. Baronet opposite to declare a general approbation of the conduct of the present government of Spain. One part of that conduct, however, he did not think the right hon. Baronet would be prepared to approve, and that was the cruel persecution which the government was now carrying on against the clergy of that country—not only clergymen who might be supposed to participate in Carlist opinions, and against whom he would not complain that the law should be put in force, but clergymen who had favoured the cause of the Queen, the legitimate Queen, and who had in some instances been lately appointed to high offices,—he would mention one, the Archbishop of Toledo,—persecution was directed against these, as well as others, and the utmost cruelty was exhibited in the mode of the persecution. The law for the seizure of the temporalities of the church, and providing an annual stipend for the clergy, had been carried into effect as far as related to the church property, but the provision had been totally forgotten. He did not complain of that; it was a matter of internal regulation; but he complained that the clergy were required to join in the conveyance of that property. Having stated that they would not resist the law, but leave the officers of Government to seize the property according to law, they were required to take an active part in the conveyance of the property, and he believed that thousands had been immured in prison, suffering the severest privations and the most cruel treatment, merely because they refused to join actively in a measure to which they were willing to submit passively. The matter, indeed, was still worse, for when brought before the courts of justice no counsel were allowed to plead for them; and in one instance where counsel had the courage to appear, the trial was not allowed to proceed, and he was punished for his temerity. He did not wish to trespass further on the attention of the House, but this he was entitled to say, that if the present were a case in which he could call for a committee he should be enabled to prove the most unrelenting cruelty existed in these respects under the present government in Spain. If this were a revolution for the purpose of abandoning the religion now professed there and adopting another form of faith he should have nothing to say; but the whole proceeding was precisely that which was pursued by the Jacobinical party of the French National Assembly. It was the subversion of the church, not for the substitution of another, but to turn the ecclesiastical property into the hands of the military, accompanied with the greatest cruelties towards its former possessors. He was quite sure, if the right hon. Baronet were in the possession of these facts, his approbation of the Spanish government would not have gone the length of sanctioning such proceedings. It was in vain for the right hon. Baronet, or any one else, to appeal to the people of Spain to rally around their present government, if the statement he had made of its proceedings were founded in fact. He trusted, on the contrary, the Spanish people would not rally around a government that could perpetrate such enormities.

Sir *R. Peel* did not express any opinion whatever with respect to particular acts. Nothing, in his opinion, could be so dangerous; nothing could be so presumptuous, as for a Minister of England to undertake to canvass the acts of any foreign government. The very principle of such an interference with the domestic concerns of other countries he would be the first to repudiate. He had expressed no approbation of the individual acts of the Spanish government, regarding this as a question, not of particular acts, but of national interests. Soon after coming into office they found a conspiracy directed against a government with which this country was maintaining amicable and friendly relations. The first overt act of that conspiracy was to make an attack, in the dead of the night, on the palace of the Queen—to attempt by military force to seize on the person of the Queen; and if it had succeeded, he believed the life of that Queen would have been placed in jeopardy—the success of the first attack most probably would have led to the loss of the Queen's life. Her Majesty's Ministers had, therefore, felt they were acting not merely in conformity with the law of nations, but with all the duties imposed on governments maintaining mutual friendly relations, in doing everything that lay in their power to discountenance such wicked efforts, and the possible renewal of such scenes as then took place. They had, therefore, considered it their duty to discourage to the utmost every such attempt, and with this view, to give every aid they could to a friendly government. But with respect to particular acts of any foreign power, he altogether disclaimed the expression of any approbation or disapprobation. Indeed, he felt he should have altogether exceeded his duty if he implied any opinion on such a subject.

Mr. *Borthwick* said, from the part which, in former Parliaments, he had taken in respect to this question, he might perhaps be allowed to say two words before the House went into committee. He was greatly relieved, he confessed, by the answer which the right hon. Baronet had given to the question put by the hon. and learned Gentleman opposite, because it appeared from that answer that we should have no more interference with the internal affairs of foreign nations. It might perhaps relieve, in some degree, the anxiety of the noble Lord opposite, when he assured him that General Cabrera had not been at Paris at all, much less for the purpose which the noble Lord had attributed to him; and for Don Carlos himself, it was now pretty generally known that he had published his determination to repudiate individually, and to command his generals to refuse, on his behalf, all participation in any scheme of union between Carlists and Christinos for the purpose of upsetting the present government and placing any other in its stead. For his part, he trusted that neither in the spirit of any extinct treaty—nor of any new convention to be established in imitation of it, would England ever again commit herself by taking any part with a faction or political sect in Spain, or in any other country. He would not, however tempting the occasion might be, obtrude upon the House quotations from speeches which he had made in Parliament some years ago, but he would protest now, as he had protested then, against all interference by this country, in questions which, from their peculiar and domestic nature, were limited by the bounds of the country which they immediately concerned. The natural wealth of Spain was almost without limit. Her moral power, arising from the noble character of her population, was also inestimable. That natural wealth and that moral energy would long ere now, but for the mischievous interference of this country, have developed themselves, to the great advancement of Spanish greatness—of European, of human prosperity. Let England now, in holding out the hand of friendly alliance to that great country, do so in the spirit of a liberal and becoming generosity; let her limit her friendship by no conditions of faction or of party, and he was satisfied that the prophecy of the right hon. Baronet would speedily be fulfilled, in Spanish tranquillity, and, to that extent, European prosperity. It was not often that he had the good fortune to agree with the hon. and learned Gentleman the Member for Cork, but he would be glad to see the English Government exerting whatever influence she possessed with that of Spain, for the purpose of sparing the further infliction of cruel persecutions upon the clergy of that country. [" *That's interference.*"] Yes, that's interference if you will; but it is not an interference with domestic faction to set aside legitimate succession, it is the interference of friendly advice against notorious injustice, committed by the existing government against a class of men who, Protestant as he was, he could not help admitting had, for the last fifty years, been exemplary in the discharge of their duties and most useful to their country.

Colonel *Fox* was satisfied that the statements of the hon. and learned Member for Cork respecting the clergy in Spain were greatly exaggerated. There had been no massacre of the clergy, as had been said, under the present government. He should like to know a single instance in which that government had acted like the Jacobinical General Assembly. With the exception of one, he believed that none of the clergy had been shut up in prison, and he strongly protested against the statement that any of them had been slaughtered by the Spanish government.

Mr. *O'Connell* said, his objection was still unanswered, and his statements not impugned. The Spanish government had acted like the Jacobinical Assembly in regard to the church property, and he had proofs that several clergymen had been murdered.

Lord *J. Manners* observed, that the statements respecting the murder of the Spanish clergy were unfortunately but too true, as in one instance, it was well known that no less than thirty of them had been thrown over the bridge of the Manzanares. He had heard with great satisfaction the principle laid down by the right hon. Baronet in regard to non-interference, and he trusted that the country would have no more quadruple alliances of the concoction of the noble Lord opposite, and no more British legions.

Mr. *C. Buller* thought the House of Commons had nothing whatever to say to what Espartero did with the Spanish clergy.

The Speaker left the Chair, and the House resolved itself into a committee of

SUPPLY—NAVY ESTIMATES.] Mr. *Sidney Herbert*, in rising to bring forward the Estimates for the Navy for the ensuing year, would ask the committee, without any affectation, to bear with him while he stated as concisely as he could, the items he should propose, and grant him their indulgence on the occasion of this, his first official statement. He believed that he should consult the convenience of the House by not going into every detail of that estimate at present, but by merely giving to the House a general view of the differences which appeared upon a comparison of the estimate for the present year with that for the last, and by explaining the cause of increase or decrease under any particular head, reserving the minor alterations for observation, as they came before the House in the committee. As to the first head, the vote for the number of seamen for the year, the House would see that it was not proposed by her Majesty's Government to make any alteration in the number of men, which they thought requisite for this year's service. As to the appropriation of those men, however, there would be some alteration; because, in pursuance of the opinion of many eminent officers, it had been resolved that no ships should leave this country, except with a full complement of men. But, as only the same number of men were to be employed, it necessarily followed that there must be a smaller number of ships. However, he felt confident that the reduction in the number of the ships, there being no reduction in the number of the men, would not render the navy less efficient. It was generally believed that the result of that alteration would be, that those ships which we sent out in that efficient state to preserve peace in the world would render war more dangerous for our enemies than before, when we had a greater number of ships less efficiently manned. As to the second head, which was "Victuals for Seamen and Marines," there was a small diminution, owing to the decrease in the price of provisions. It was not worth while to enumerate to the House the decrease in the particular items of provisions; the result was, that the estimate for the present year under that head was 34,774*l.* less than the vote for the last year. On the Admiralty-office there was no further alteration than necessarily arose from the fluctuations in the superannuated allowances, or from promotions and increased salaries. Those alterations produced this year a small decrease of 395*l.* As to the Registry-office there was no difference at all; but when they came to that head in the committee, he should be enabled to give the House some information which it would receive with satisfaction as to the increase of our mercantile marine, showing that the increase in her Majesty's service, though that must, in a great measure, depend upon our mercantile navy, had, nevertheless, not been made at the expense of the mercantile navy, but that there had been a large collateral increase in both. There was a small increase of 2,347*l.* in the next head; the scientific department, which was caused by additional surveys required at home and on foreign stations; by the great increase in the expense of chronometers, and by considerable additional expense incurred in printing scientific works, and copies of observations at Greenwich, and the Cape of Good Hope; and from what he had observed of the treatment which that head of the estimates had generally met with in that House, he was inclined to think that the House of Commons would never begrudge a trifling increase of expenditure for the purpose of advancing scientific objects; but instead of quarrelling with such increase of expenditure, would rejoice at such an employment of the public money. In the establishments at home there was a small decrease; but the separate items in which that decrease occurred were so minute and trifling as to be quite unimportant, except when they were going through the estimates in detail. For the establishments abroad there was an increase in the present estimate of about 1,000*l.*

At Malta there had been a considerable increase of expense owing to the formation of a new dock, which had been considered desirable, in order to exempt the fleet from the inconvenience, delay, and expense of sending all ships in the Mediterranean home for repairs. With regard to the next head, that of wages at home, there was a decrease in the present estimate, compared with that of last year, of about 8,000*l.*; and for wages in her Majesty's establishments abroad there was an increase of 4,030*l.*; one item of which increase was a sum of 1,900*l.*, occasioned by buildings which had been carried on in the naval yards in Canada. Under the head of naval stores there was a slight decrease, not from any diminution in the quantity of stores, but from the diminution in the price of certain articles coming under that head; and he might safely say, that there never had been a year when the navy was so well supplied with stores at the same expenditure; and, in so saying, he was not arrogating any merit to the present Government; for when the present Government came into power, they had found the naval stores, timber, &c., in a more complete state of supply than had existed for some years previously. On the item under that head for the purchase and repair of steam machinery, there was an apparent diminution; but the cause was, that of the amount taken for repairs last year a large sum had remained unexpended, and not that there had been any diminution in the demand for steam machinery for the navy; on the contrary, tenders had been recently accepted for six pair of first class engines. The next head on which he had any remark to make was that of new works, in which there was very little difference between the estimates of this year and that of last year; but the principal items on which the difference arose were these; for the completion of a new basin at Woolwich, which should allow steam vessels to come alongside the wharf, a very considerable expenditure was necessary, no less than 16,775*l.*; there was also a large sum requisite for the purpose of providing better means to prevent fire in our dockyards; and the sum contained in that estimate on that account was 15,000*l.* In aid of the same object there was also on the storekeeper's estimate 10,000*l.*; and the Government had taken upon themselves, after consultation, on their own responsibility, to employ 10,000*l.* of the surplus remaining unexpended out of the vote of last year for steam machinery, for the purpose of providing means for the more speedy extinction of fires in our dockyards. That object had occasioned the necessity for laying down pipes, and erecting tanks to hold several tons of water, the expense of which was great, but the Government had thought that such expenditure was good economy. Having had recently the warning of two fires in their dockyards, though one of them was speedily suppressed; and having also had the experience of great public losses elsewhere occasioned by fire, they felt that they ought not to allow our dockyards, full of combustible materials, to remain any longer in an insecure state. From the great rarity of such an occurrence, a feeling of neglect on that subject had been engendered, and the keepers of the dockyards had almost forgotten where the cocks and waterpipes were. If a fire had occurred under such a state of things, it would probably have destroyed everything before the cocks and the waterpipes could have been disencumbered from the stacks of timber which had been piled against them. The whole expense would amount to 15,000*l.*; but though the expenditure was large at the moment, he was sure that the House would consider the Government not only justified in proposing a large estimate, but in having already, on their own responsibility, applied a surplus unexpended in their hands to that purpose. Further, there was a large sum required for additional anchor-fires, and there was an additional slip to be built at Portsmouth, which involved considerable expense, because the soil had been gradually forcing the sea-wall out of the perpendicular, and it became necessary that that should be repaired. He was sure that the House would gladly accede to such a vote, because it was the decided opinion of those who were best acquainted with the matter, that ships would last much longer if they were left on the slips than if they were allowed to remain in stagnant water; and he proposed, therefore, if the House would allow him, to multiply these slips, in order that the vessels of this country might be kept in a state of efficiency until they were required. There was a small increase under the head of the medical department, amounting to 5,150*l.*, which was explained by the great expenditure occasioned by the treatment of the sick in China. The estimate was vague, because they could not have full information from China on that subject; and it was large, because they had to pay not only for the year they were about to meet, but for a portion of that which had passed; and in China a great quantity of medical stores had been consumed. On the miscellaneous services for this year there was a decrease of about 7,000*l*., occasioned by the fluctuations necessarily occurring under that head. Under the head of half-pay, there was a decrease of 11,824*l*.; under that of freight on account of the Army and Ordnance Departments an increase of 44,138*l*. No. 19 was a new head, "The Post Office Department (Contract Packet Service)." It had been thought by the Board of Admiralty, that it was better, when any item of expenditure became large, that it should stand out as a distinct head for the information of the public. Under that head there was an increase of 20,000*l*. on the Halifax mail contract; that vote had been sanctioned by the last Government, and was highly approved by the present; indeed, it was impossible to observe the manner in which that contract had been carried out by Mr. Cunard without seeing that it must be attended with great benefit. The only other material difference under that head related to the contract for the conveyance of mails by steam-vessels to and from the West Indies, as to which they proposed a vote of 240,000*l*. instead of 80,000*l*., the estimate of last year. Nothing could be more satisfactory than the manner in which that contract had been executed; the contract came into force, not on the 1st of December last, but on the 1st of January this year. He did not pretend to say that the present routes were certainly the best, it was at present quite an experiment; and he thought that the Government was justified in giving to persons who carried on the plan in so spirited a manner every indulgence and encouragement. They had not, therefore, restricted those parties to the strict letter of their contract. A few months' experience would show what ports were the best to touch at, and the routes of the steam-vessels would be regulated accordingly. From the manner in which that contract had been hitherto conducted, he entertained a sanguine expectation that it would be productive of the most beneficial effects, both to the colonies and the mother country. He was sure that no expense had been, or would be, spared to carry out the scheme. Indeed, he had almost said that the expenditure had been reckless. That concluded the heads of the estimate for the present year, and he would not trouble the House with much further observation; but he thought it right to point out to them how much of what was voted in the navy estimates was voted for other departments of the public service. He thought it right that public attention should be called to the fact, that though they were called upon, in point of form, to vote 6,739,318*l*. for the service of the navy, yet they were not voting that entirely for the navy, but a portion of it for other branches of the public service. He had had a return of the whole expenditure to which the naval service was subjected on account of the other departments of the Government. The expenditure on account of the Post-office was, last year, nearly 640,000*l*.; on account of the army and ordnance, 270,000*l*.; on account of the Home Department, 109,000*l*. He would now only say, in conclusion, that the estimates had been framed studiously with a view to the greatest economy which the efficiency of the public service would permit; and in justice to their predecessors in office he would most candidly say, that they had found nothing of any moment which could possibly be reduced. At the same time, he trusted that that feeling of economy which sometimes prevailed so strongly in that House would not lead it to object to an estimate which was certainly large at a time when, excepting in India, this country was at peace. He looked with confidence to no objection being made to these estimates, because he had observed that that house had always shown great favour towards any proposition which was calculated to increase that branch of our service, as the great national arm of our strength. The hon. Member then proposed the first resolution:—

> "That 43,000 men be employed in the naval service of her Majesty for the year 1842-43—including 10,500 Royal Marines."

Sir *Charles Napier* said, that he had no intention of opposing the estimates they had just heard. He trusted that the grounds on which Government had determined to reduce the number of ships in commission would prove to be good, but he rejoiced that the Admiralty had at last determined that no ship of war should leave a British port without her full complement of men; and then, let there come what service there might, there would be no fear of their being found unprepared or unfit for it. It had been the opinion of many officers that five sail of the line not fully manned were preferable to four sail with a full complement. In this opinion he did not agree. In such cases, if any sudden emergency should arise, it would be impossible to man the ships fully in time to meet it. Last year, on the coast of Syria, they had an example of what might have been the consequences of the system of partially manned vessels. There was then every prospect of a war with France. The ships were ill-manned, and it would have been impossible for Government, in the event of hostilities actually taking place, to send out men to make up efficient complements. Under these circumstances, if a well-manned French fleet had appeared, it was difficult to say what the consequences might have been; but if, in addition to this, a hostile fleet had made its appearance when the partial complements were weakened still more by sickness, it was most probable that defeat would have ensued; he trusted, however, that they had now seen the last days of half-manned ships. It had been stated that the French had twenty sail of the line in commission, eight at sea, eight in harbour, and four in the different roads. He did not know what the system might be with regard to the complements of the vessels in harbour, but the twelve sail of the line kept at sea and in roadsteads were well-manned and most efficiently disciplined. As to the proposed reduction of six sail of the line, it was to be done on Government responsibility. With respect to the Admiralty-office, it was an establishment which he did not much like, but when it came before the House regularly he would explain his views with regard to it. With respect to the officers employed in the navy, it was well known that a great proportion of them had attained such a great age as to render them only fit for superannuation. With respect to admirals, the greater part if sent to sea, would require nurses to take care of them. As to rear-admirals, the case was as bad, they were nearly all upwards of seventy years of age. And although his gallant Friend, who was now proceeding to the Mediterranean, and who was upwards of seventy-two years of age, might be competent to serve in time of peace, yet he thought that it was a physical impossibility that he could do the same good service in the event of a war. Of the captains promoted at the last promotion, only half a dozen were under sixty years of age. Was that a proper system? He took this opportunity of making some observations on the injustice done to the navy at the last promotion. He did not wish to bring down the army to the level of the navy, but to raise the navy to the level of the army. The hon. and gallant Member compared the number of promotions in the two services, and complained that the promotions in the navy were small as compared with those in the army. He was at a loss to understand the reason of this difference. It was generally supposed that the expense of an admiral was greater than that of a general, but he would show that this notion was erroneous. The cost to the country of a colonel becoming a general was 199*l.* 15*s.*, that being the difference of pay. The difference of cost occasioned by a captain being promoted to admiral was 191*l.* 12*s.* 6*d.* Before the last promotion, the expense occasioned to the country on account of the flag-officers was 95,000*l.* a year; and after the promotion 105,000*l.* The expense of generals before the promotion was 85,000*l.*, and 98,000*l.* a year after. But this was not all the cost of the generals; for each general was supposed to have 1,000*l.* as colonel of a regiment, and, reckoning 130 regiments, an additional expense was thereby incurred of 130,000*l.* He would now endeavour to show that the employment of old admirals had never succeeded. On going back to Rodney, he found that he was seventy years old when he fought his action, which was not considered a good one. At that time he was labouring under a fit of the gout, and was consequently incapable of any great activity. When Lord Howe fought the action of the 1st of June, he was sixty-eight or seventy years of age, and had been three days and nights subjected to the greatest bodily fatigue and mental excitement. In that action eight or ten ships escaped under sprit-sails when it was not renewed. Sir R. Calder was an old man when he was engaged in action, and only two sail of the line, instead of fifteen, were taken. With respeet to Lord Hotham, he thought his actions had been bungling because they were fought by an old man. With regard to Nelson, he was of opinion that the country was indebted for his gallant deeds more to his youth than his particular ability; and if all our admirals had been as young, they would have given the same account of the enemy. Lord Nelson was an admiral when thirty-six or thirty-seven years old; he fought the battle of the Nile when he was thirty-nine, the action of Copenhagen when forty-two; and he was killed when forty-seven years old. He had the authority of Sir T. Hardy for saying that had Nelson been sixty years old when he fought the battle of the Nile, and sixty-six when he fought the battle of Trafalgar, neither of those actions would have been fought in the manner they were. Lord Duncan, after commanding a mutinous fleet, attacked the enemy, and gained a glorious victory. Lord Duncan was sixty-eight years old, but he proved an exception to the rule, that age unfitted men for active and daring enterprizes. Sir J. Saumarez was sent, when forty-two or forty-three years of age, to Gibraltar, with a small squadron. He attacked the French fleet in a strong position, and was defeated. It was rather a new occurrence for a British naval officer to suffer defeat. In five days his fleet was refitted for service, and he sailed out, leaving one ship in port under repair. He fell in with a Spanish fleet of double his force. He attacked it. Two of the enemy's vessels were blown up, one was taken, and the rest beaten. This activity and success was attributable to his youth. He would state the remedy he proposed for the evils of the British navy; and now he supposed it would be necessary for the Chancellor of the Exchequer to use his smelling bottle. His remedy he believed would do an infinity of good, at little cost to the country. He would tell the Chancellor of the Exchequer, that it would not cost more than 10,000*l.* a year. He proposed, that when a captain of the navy came within a hundred of the top of the list, and was sixty years old, he should be allowed 100*l.* a year beside his pay, as an out-pensioner of Greenwich Hospital. He believed it would be satisfactory to the country to have an effective and non-effective list. He also proposed, that first lieutenants, who had been serving for a number of years, and bringing up the suckling babies of the aristocracy, and made commanders, should be gratified by the rank of captain, and offered 6*d.* a-day. He next proposed, that promotions should be made half by seniority and half by choice; or if the Admiralty were not satisfied with this, the promotions by choice might be two to one by seniority. The list of mates had been somewhat reduced, but still there was a great number, and keeping them so long in that position made them generally indolent, careless, and totally disgusted with the service. But the effect upon young men was extraordinary. He recollected the time when young men who had volunteered into the service were unwilling to quit it, but now he saw nothing but disappointment among them, they looked at the condition of the old mates and became disheartened. Even if the mates were promoted as they ought to be, at the end of six years servitude, as such they would not complain; but having served six years, after passing their examination, it was very hard that they should still wait for promotion. He must next refer to the working petty officers. When they looked to the difficulty there had been for some time in getting men for the navy, as an instance of which he could say, that he had lately seen at Spithead an eighty gun ship which had been waiting for nine months for men, and the Queen had been at that moment six months waiting from the same cause, and had not yet sailed, they must see the absolute necessity, that something more should be done to induce men to enter the navy. He believed, that every gallant Officer, and indeed every hon. Gentleman, in that House, knew that the working petty officers were the most unfortunate class, for the difference of pay between able seamen and that class was not sufficient to induce the former to aspire to it. There were two classes. The second class had 2*s.* or 3*s.* a month more than an able seamen, the first class had 2*s.* or 3*s.* more than the second; but when the Duke of Clarence was First Lord of the Admiralty, and put a patch upon their arms and made officers of them, he did much good. If, however, he had put a patch upon their pay to buy that patch upon the arm, it would have done them more still. In his opinion the pay of the working petty officers of the second class should be 3*l.* per month, and the first clase 4*l.*, and they should calculate twelve months to the year instead of thirteen as at present. The present mode of calculating a seamen's pay was made on a bad principle, for taking thirteen months to the year, not one sailor in fifty knew what it meant. When he was abroad, not long ago, a sailor came up and asked him whether there were more than eight months in the year; his answer was, there were thirteen: to which the sailor replied, "I can't understand it." That system, therefore, ought to be changed; and if it were, they would find greater facility in manning the navy with able-bodied men than had ever been the case before. He would then go to the right hon. Baronet's bill for manning the navy—the only thing, indeed, that had been done respecting that point for the last thirty years. He highly approved of it, though it did not go far enough. It ought to go further, because, if he understood it right, in the event of a war, British seamen would be called upon to come forward and serve, three or four days' choice being allowed them to act voluntarily or submit to be pressed. We ought to make men understand that the British navy was a good profession, but at that moment British merchant seamen had the greatest horror of her Majesty's service. It was extremely difficult to propose a measure that would be effectual, but a beginning must be made. Now, there was an old act of Queen Anne, which enabled overseers of the poor to apprentice parish boys to merchant ships. He believed, that that act had never been in actual operation, but he thought it might be acted upon, and if it were, he would wish to extend it further, so that all parish boys, after serving four years in the merchant service, should be obliged to go for three years into the navy, to make a return to the country for their food, raiment, and clothing. And if the Poor-law Bill were discussed again in that House, use might be made of it, not only to assist the poor, but to provide the navy with seamen. Another article which was done by the present Government, and of which he highly approved, was restoring to the seamen their pensions, or rather allowing them to remain in the service retaining their pensions. It was, however, almost too much, and it would better if, instead of giving them pay and pension, they had raised their pay from 18*l.* to 30*l.* and called that full pay. He then came to pensioned officers, and he must say, that it was very extraordinary that an officer when he went to sea should lose his pension, for they all knew, that when he went to sea he fitted out his ship at an enormous expense, and if it were a small vessel, he absolutely got less than his half pay. Pensions for wounds were also worthy of the attention of the Government. By the Queen's regulation, when an officer received a wound equally prejudicial to the body as loss of limb, her Majesty was authorised to grant him higher pay, and her Majesty also reserved to herself power to grant any officer an annual pension if his wounds and services were deserving of it. But what had the Admiralty done? About 150 or 160 years ago, he believed in the year 1660, the Board of Admiralty made a regulation, that no officer should receive an annual pension unless his wound was equal to loss of limb. Then came out the Queen's regulation, but he had never heard that the Board of Admiralty had changed their rule. He wished to make one observation to the hon. Gentleman, the Secretary to the Admiralty. That hon. Gentleman stated, that in reducing six sail of the line they had still to man ships which required the same number of men, but he should have thought, that as four sail of the line cost less than five in *matériel,* there ought to be some reduction in *matériel.* Then again, the Government had several ships on slips, and that he thought was the best thing they had done. If there were more, it would be better and more economical for the country at large, but it was most extraordinary, that living at peace for twenty-six years they had not discovered before, that such a thing was necessary. One attempt had been made, he believed, at Deptford, and there, for what he knew, the ship remained still. There was another point to which he wished to advert. In 1835, a report got abroad, that all the masts of the British navy were rotten. A survey was made in 1836, and they were reported to be unserviceable. They were all taken out and put in the different departments; but that proved, that there must have been some very bad management somewhere. Then, again, as to the construction of ships. That belonged to the surveyor's department, and if they happened to have good surveyors, then they would generally build good ships; but if they happened to be bad, as had happened before now, then the country would have indifferent ships. The whole power was vested in one man, instead of being extended to the dock-yards and according to the talents and qualifications of that individual would be the ships which he constructed. He had often, too, a fleet of his own. Now, Sir R. Seppings had disfigured the whole of the navy under the sanction of the Board of Admiralty, for he had put to his ships the most ridiculous sterns that were ever made, and he did that in the face of the handsomest sterns that were ever seen. Instead of having eight, ten, or twelve guns able to be pointed right aft, Sir R. Seppings, having seen some Dutch dogger, he supposed, had made the ugliest sterns he ever saw, with galleries and Heaven knew what, all of which must be taken away before they could bring their guns to bear aft, and yet, notwithstanding that, handsome and useful sterns might be seen at the Admiralty rooms they still went on disfiguring the British navy. In a number of ships the sterns were raked; and at that moment if they took a plumb line from the poop to the keel of the Queen they would find she was thirty-six feet longer at the taffrail than she was at the keel. It was impossible if she were chased for her to use her stern guns. He believed, however, that those sterns had been condemned, and great credit was due to the Government for ordering them to be altered. He thanked the House for their indulgence, and concluded by expressing his fear that he had detained them too long.

Captain *Rous* said,* Sir, before I commence a discussion on the navy estimates, may I be permitted to express the deep sense of gratitude which all naval officers feel for that uniform kindness and anxiety to serve their interests, which this House has so invariably expressed. My mind has been impressed with that idea from my boyhood to the present hour; and I have remarked, that every exertion on your part to ameliorate our condition has been constantly frustrated by our own Admiralty officers, under every administration. Let me hope for better days. The right hon. Baronet at the head of her Majesty's Government has selected four officers whom the navy hold in great respect, and he could not have made a happier choice than when he chose the hon. Member for the County Tyrone, and the hon. Secretary; although the noble first Lord must be perfectly ignorant of everything relating to the navy, still he has one qualification, a wish to benefit the profession. Sir, I have paid these unusual compliments because it is my intention to find fault with their measures before I conclude my statement. I have commanded her Majesty's ships for ten years between 1817 to 1837, it is therefore in my power to put the House in possession of facts from which they may draw their own inferences, and I think they will agree with me, that no service could have been more neglected than the navy since 1815. The first topic I shall broach is the state and condition of her Majesty's ships. From 1815 to 1827, they continued to build the ten gun brigs, called coffins; miserable corvettes, twenty-eight gun donkey frigates, and a description of small seventy-four gun ships, happily designated Forty Thieves—luckily for the country, certain noblemen belonging to the Yacht Club interested themselves and persuaded the Admiralty to turn their thoughts to improvement, and the Duke of Portland, Lord Yarborough, and others, got leave for Sir William Symonds, Mr. Inman, and Admiral Hayes, to build experimental ships to compete with the surveyor, Sir John Seppings; the result was, Sir W. Symond's brigs were superior to the others, and he superseded Sir J. Seppings (who was a good shipwright and a wretched architect), as surveyor in 1832, under the naval administration of the present right hon. Secretary for the Home Department, Sir James Graham, who distinguished himself by the abolition of the navy board. Sir W. Symonds is no doubt a good seaman, an excellent officer, with a great genius for naval architecture, but his models were exactly those of the Greek brigs and schooners, built at Hydra and Spitzia, in the Archipelago, with great breadth of beam, and a triangular midship section; and his theory was, that these models were adapted to vessels of all sizes from a brig to a three-decker, that they should fit one class into another, like a Chinese puzzle, that was the expression (for it made a great impression on my mind). It is very competent for every person to understand, that as you increase the top weight, or the number and weight of your guns, or the size of your ship, so you must proportionably increase the flatness of the floor below to give ease and buoyancy. The first frigates Sir W. Symonds built were the Vernon and Pique on the models of his brigs, and the principle failed, they had no flat floor to sit upon, with a fine entrance forward, and a short bluff bow, they failed against a head sea. I first commissioned the Pique in December, 1834; by the builder's calculation she was to carry above sixty tons ballast, but with four months water and provisions on board she floated a foot deeper than the builder's calculation, consequently she was uneasy, a bad sea boat, and not a good ship at her anchors; but from her great beam, an extraordinary ship to stand up under canvas; now she carries no ballast at all. In our first cruise in the Bay of Biscay, when she was in the builder's trim carrying sail against a head sea, she shipped the body of a sea which washed away her head rails, and put four feet water into her main deck, but after I lightened the ship and got her two feet by the stern she was dry and easy, but this trim was not approved of by Sir W. Symonds. When the Vanguard was laid down, the eyes of the architect were opened, and he gave her a comparatively longer bow and a flatter floor, which makes her an extremely good ship when she is not overloaded. But, Sir, the greatest misfortune to the navy is the failure of many of the steam vessels. I name the Gorgon for instance, intended to carry fourteen heavy guns, and to convey 1,200 troops—if that vessel, when thus laden, should be caught in a heavy gale in the Bay, she would be swamped, and I fear, there are at least, six more vessels of the same description and class, and altogether the men-of-war steam vessels are very inferior to those built at Bristol and Liverpool. This House will naturally enquire why a large sum of money was invested in vessels not fit for her Majesty's service, without proper enquiries and precautions. I will explain it, there are many naval officers who persuade themselves that the ships they command are very superior to any others, and when a man of this description is appointed to an experimental ship, he invariably overlooks her bad qualities. In the old trials, when the Admiralty had no particular interest in the result, they were impartial, but in 1835 and 1836, it was different, because the Admiralty had sanctioned the building of ships by Sir W. Symonds to an enormous amount. In the summer of 1835, I was officially informed, that the Admiralty wished to try the merits of Castor, Pique, and Inconstant, and it was declared that the best ship of the three would be the future model for frigates of that class, this was good sense; but what happened? Before the Inconstant was launched, six more sister Piques were ordered to be built, but no more Castors or Inconstants; thus, the Admiralty, instead of being independent judges, so identified themselves with Sir W. Symonds, that they decided the race before the horses were saddled, and when the real trial came off, Inconstant won cleverly. This will explain to the House the utter impossibility of their obtaining proper information respecting the merits of ships, when the Admiralty shares the responsibility of the builder. Now, Sir, the state of the officers of her Majesty's navy is as follows:—scarcely any midshipmen; upwards of 400 mates, some of whom have served nearly twenty years, and "hope deferred hath made the heart sick;" with respect to the lieutenants, commanders, captains, and admirals, the list is equally superannuated, all in their respective grades. The Admiralty has always acted upon the system of employing old officers, and the newspapers have eulogised it as a most meritorious plan; but how does it work? You promote an active young captain, but you will not employ him because he must take his turn on the shelf; you take an old officer in his place, who has been deteriorating on shore for ten or fifteen years; in nineteen cases out of twenty this man has fogotten almost all his naval knowledge; but if you want a captain for an eighty gun ship, and 700 men, you pick out a man who has not been at sea for twenty years, who could not find his way from Portsmouth to Ushant. Now, Sir, I may talk to any sensible Gentleman in this House, of the extreme folly of fancying a man fit for a command who has been a quarter of a century on shore, and you will at once subscribe to the axiom. But there is nothing very extraordinary in old officers desiring to be employed, when you consider they have been starved and impoverished all their lives; when the pay of a captain of a British frigate is only two-thirds that of a French captain of a frigate, and one-half of that of an American captain, throwing in the advantages of outfit and table money. Captains of British frigates must spend double their income, as I can answer for from my own experience. Is it to be wondered at, that they crawl out at an advanced age, to provide for their destitute families? When the great military commission sat, in 1839, it was expected that some benefit would accrue to the navy; the junior officers certainly did receive some benefit; for lieutenants and masters, who were receiving 1*s.* 6*d.* per day, for active service, or the difference between 5*s.* and 6*s.* 6*d.*, their pay was increased 10*s.* per day; but was it not a disreputable circumstance, that no Lord of the Admiralty dared to mention the fact, for I have no doubt, from my slight knowledge of the feeling of this House, you would have at once assented to have paid these officers proper and just wages. This military commission did nothing to improve the condition of the superior officers, their excuse was, that the list of officers was in such a superannuated state, that they dared not meddle with it, so they merely transferred sixty yellow admirals to the active list; in order, I presume, to make that list more active; and I charge these highly distinguished officers, who formed the military commission, that they, for the first time in their lives when a serious obstacle was to be removed, turned their backs and were afraid to face the difficulty. Now, Sir, I will explain the effect of employing superannuated officers—look to your Mediterranean fleet, are they in a high state of discipline? No. Are they in the habit of manœuvring their ships together? No. Sir, I am obliged to hear, that the midshipmen of a line-of-battle ship in the Mediterranean, hoisted a flag in their boat, with a negro chained to a post, by way of explaining to the fleet, that they were not allowed to go on shore, owing to some alleged neglect of duty. And with respect to Mr. Elton, I am told that he was dismissed from a ship, commanded by my hon. and gallant Friend, the Member for Gloucester, in which Commander Williams was first lieutenant, and this at once accounts for his asking for a boat to take his friend to the packet, being considered an impertinence. After the letter amounting to a challenge was sent, did not Mr. Elton refuse to make the apology which was dictated by his superior officers. It has been stated, that his apology arrived too late to suspend the court-martial; Sir, in my opinion, if his expressions of regret and repentance had been received at the eleventh hour, I would have accepted it; for what else have we to trust to in this world or in the next, but regret and repentance? But Mr. Elton was tried; it was known he must be dismissed the service, the mates and midshipmen prepared a festival to do honour to him;—the court-martial, to prevent so great a scandal, sentenced him to six months' imprisonment. On his passage home, on board a man-of-war, owing to some expression made use of by the captain, he followed the aged chief on the quarter-deck—that sacred place, the quarter-deck—and called him a liar in the most opprobrious terms. On the arrival of this ship in England, when Mr. Elton would have been released, this additional outrage caused him to be sent to the Marshalsea, but he was relieved at the end of five weeks, because the right hon. and gallant Admiral, Sir George Cockburn, said the unfortunate gentleman had suffered enough. If a plain uneducated seaman had made use of that language, or if anything could have been construed into a challenge to a superior officer, he would have been at this moment bound to a penal settlement for life, or swinging at the yard-arm,—so much for even-handed justice. I declare to you, Sir, that with all the respect I entertain for this honourable House, and no man has greater, that if I was placed in the situation of first Lord, and there was a case of this kind in which a House of Commons chose to interfere, that if any doubt existed in my mind as to the severity of the sentence, instead of giving the prisoner the benefit of the doubt, I would throw that doubt into the opposite scale, and prefer to punish an individual with rigour, rather than that the discipline of her Majesty's navy should not remain intact. Do not, Sir, from this language, set me down as a great Martinet, for no man in the navy ever lived on more intimate terms with his midshipmen; but they always knew the difference of atmosphere between the cabin and the quarter-deck. I never commanded a ship which was not full of supernumerary midshipmen, some older men than myself, and for ten years they never gave me any trouble, or did I ever try an officer by a court-martial in my life; but, Sir, I have a right to be proud of my midshipmen, for amongst many officers who have distinguished themselves, I will name the hon. and gallant Member for Durham, who is a better seaman and officer than his old captain. In justification of those mates and midshipmen whom I have attacked, as they may have no defenders in this House, I will extenuate their conduct. They have been ill treated, we are all governed by rewards and punishment, but to them no rewards are held out, and consequently to them punishment has no sting. Now, Sir, I have given the House the dark side of the picture, and I will throw in the rays of light. On the important art of gunnery, the navy is efficient, to this we are indebted to the hon. and gallant Member for Liverpool, and to Sir John Pechell, whose views were supported by his late Majesty, and carried into effect by Sir Thomas Hastings; and you will hardly believe that Sir John Pechell was thwarted in his plans for a period of four years. If an officer had in 1812, stood up in this House and stated that not one ship out of fifteen in her Majesty's service was fit to go into action, he would be denounced as the most gross libeller. Yet it was a positive fact, and when at the commencement of the American war, the wise naval authorities were explaining to this House the impossibility of a frigate mounting 18lb guns, fighting a frigate carrying 24lb guns; they were not aware that on every station, some one or two British frigates would have captured other British frigates of the same calibre in a quarter of an hour; merely because some ship's companies knew how to fight their guns, and the others were perfectly ignorant. Now, Sir, for an example, in November, 1811, I was a midshipman of an eighty gun ship, cruising off Brest, we chased the Chlorinde, a French frigate, outsailed her, fired a whole broadside at her, not a shot struck, and she escaped, owing to our main top mast being carried away, in this ship which had distinguished herself in the battle of Trafalgar with the same ship's company (and a finer crew of seamen never stept a deck), not a man knew how to point a gun, because, as the gunner informed us, not a shot had been fired in practice, or in anger, since Trafalgar, or from October, 1805 to November, 1811. The next war will be very different, and I cannot pay a better compliment to British seamen, than by stating when a war was expected to take place last year, between the United States and this country, that our seamen serving on board the American men-of-war, refused to pull a trigger against their own countrymen. Now, Sir, all the evils I have enumerated may be remedied—employ naval architects to build steamers, who have already distinguished themselves, and do not throw away millions on ships until the models have been approved by competent naval architects. But, Sir, any nation can build ships, and very few can turn out good officers and seamen; the vitality of the navy depends upon improving the condition of the officers; on employing men in the vigour of life, not those whose years have been spun out beyond the ordinary age of man. I tread on sacred ground, and nothing but an imperious duty forces me to inform this House, that the Mediterranean fleet requires an active, efficient, vigorous chief. Who are you about to send to restore her Majesty's fleet to their pristine discipline? An aged Admiral, who has been nearly sixty years in the navy; Sir, twenty or thirty years ago, no officer would have commanded a fleet more brilliantly. Is it not a cruel thing to force a man full of years and honour, to fill the most important command? To manœuvre the only fleet we possess? When he has a right to enjoy in private life, a comfortable retirement for his few remaining days. The excuse which the Admiralty will make is, that it is necessary for the British Admiral in the Mediterranean to be of high rank; that in cases of co-operation with a foreign flag he may assume the supreme command. It is an idle childish excuse—for an Order in Council, at any time, can give temporary or permanent rank in the event of such a co-operation being contemplated. But does the Admiralty conceive that the virtue lies in the flag, or in the vigour of the chief whose rank it proclaims. When that flag flutters in the breeze will it quicken the circulation in the veins of the aged officer? No, but in the dead calm when the flag drops, clinging to the mast, it is a sad emblem of our mortality, or when in the blast of the gale it flits aloft, it is still the same emblem that the spirit is about to flee to a better and a purer world. Sir, the responsibility of that appointment rests with the first Lord of the Admiralty. He might have been advised not to place a massive building on a ruined arch, although that arch be entwined with ivy, and crowned with laurel—it is indeed to me a most painful subject, and I mention it to impress upon this House the urgent necessity of placing our officers on a sounder footing. This is the plan I propose:—

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* From a corrected Report.

"The Government to apply a sum of money annually, as a fund for purchasing out officers, to which will be added the proceeds from the following sources:

"Every commander promoted before he has served three years in a sea-going ship as commander,

If under	4	years' standing on the list, to pay	. .	£1200
"	5	"	"	800
"	6	"	"	550
"	7	"	"	350
"	8	"	"	200

Above 8 years to pay nothing.

"Every lieutenant promoted before he has served three years in a sea-going ship as a lieutenant,

If under 5 years' standing in that rank, to pay	£800
„ 6 „ „	450
„ 7 „ „	250
„ 8 „ „	150

Above 8 years to pay nothing.

"Every mate promoted before he has completed one years' service in a sea-going ship as a mate, to pay . . . £600

Under 2 years	400
„ 3 „	150
„ 4 „	100

Above 4 years to pay nothing.

"These regulations not to affect officers promoted for distinguished services.

"Officers having been promoted by purchase, not to claim any ulterior benefit.

"Officers who have sold out to retain their rank.

"Captains, commanders, and lieutenants who have served more than eighteen years in any one rank, or whose total length of service exceeds forty years, to be allowed to retire on a certain allowance to be fixed by Government."

Sir, the effect of this plan will be to tax the sons of those men of high rank and influence, who must and will be promoted over the heads of hundreds, and I pledge myself that no objection will be made by officers who have solely their own merit to depend upon, because they cannot be worse off than they are at present; but, in the event of my proposal being brought into operation, their chances of promotion will be doubled, and I hope the Admiralty will not continue to make the same mistakes about old officers, but will calculate their experience by the number of years they have been actually at sea as first lieutenants, and not by the time they have remained on shore. Let me remind the right hon. Baronet, the head of her Majesty's Government, that last September, when he proposed a retiring pension of 3,500*l.* per annum, to a retired Vice-Chancellor, he dwelt upon the sound policy of drawing an aged judge from the bench, by a comfortable remuneration, in order that the public might be served by a younger man. I was so struck with the argument that I was induced to vote for the larger sum, although the proposed alteration of 3,000*l.* per annum appeared to me on the first impression to be sufficiently adequate, but that argument ought to be in stronger force when applied to old captains and admirals, inasmuch as bodily decay generally precedes the decline of mental vigour. In naval chiefs you require a strong constitution, vigorous nerves, and a clear head, but you reverse the principle, for we bribe old admirals to go to sea, when you bribe judges to retire into private life; but the Admiralty, always lukewarm in promoting our interests, are afraid of the Chancellor of the Exchequer, or of the expense: do not say that this country, you proudly boast of being the Queen of the Seas, cannot afford to pay her naval officers their just claims, for you can afford to do what is right, and you cannot afford to do what is wrong; you pay one-fifth of the rental of the land to the clergy, and magnificent salaries to your ambassadors, crown officers, and great lawyers. But in the event of war who do you rely upon? Is it on the prayers of the priests to charm the bullets? Or on the special pleading of the lawyer? No, Sir, you will again depend upon the strong arm of the soldier, and on the supple limb of the sailor, on those men who have conquered kingdoms in every part of the world, and who have brought this little island to the highest pitch of glory that any empire ever attained; the gallant chiefs who led them to victory, have, in their turns succumbed to old age and death. My object is to replace them with efficient men, who can follow in their glorious track; which object the Admiralty has not the moral courage to attempt. Sir, I am well aware that the task I have undertaken is most invidious, and that the shafts of calumny will fly round my head;—let them fly; they will pass unheeded, they will be forgotten, but the good deed may be remembered. I shall finish in the words of the old song,—

"Then oh! protect the British tar,
Be mindful of his merit;
And when again you're plung'd in war,
He'll show his daring spirit."

Sir *G. Cockburn* supposed it might be deemed a bold measure for him as one of the old officers alluded to by the young officer who had last addressed the House, with whose statements and observations though he concurred with some few of them, he far more generally dissented from, to rise for the purpose of replying to them. The hon. and gallant Member had referred particularly to the case of Mr. Elton, he should begin therefore by saying a few words upon that matter. But what he was about to say was forced from him, in consequence of the allusion to the case. When the sentence of the court-martial was read at the Admiralty, there was not an officer at the Board here who did not say that he considered it a severe one. The Admiralty conceived that the court-martial must have had good grounds for the decision to which they had come, but at the same time they considered it a heavy sentence, and they made up their minds that, when the young gentleman should come home, they would not send him to prison. When, however, they heard of his improper conduct on board the Hastings, they determined not to interfere in his behalf, and he was sent to the Marshalsea to undergo his term of imprisonment. Whilst in the Marshalsea, Mr. Elton wrote a letter to the captain of the Hastings, apologising for his conduct. The Captain, in consequence, came to the Admiralty, and begged as a personal favour to himself that the remainder of Mr. Elton's punishment might be remitted. The Admiralty did not comply at once with that request, but informed the Captain that after he had undergone a month's imprisonment, the Admiralty considering that he had been dismissed from the service, also the lengthened confinement he had undergone between his sentence being prononnced and his arrest in England, also the severity of that sentence, and his month's confinement in the Marshalsea, were of opinion enough would have been done to maintain the discipline of the service, and that to have kept him longer in prison would, under the circumstances, have appeared vindictive, rather than tend to the benefit of the service. He could not concur in the observations which the hon. and gallant Officer had made upon the recent appointment to the command of the Mediterranean fleet. The gallant Admiral who had been placed in command of that station, was one of the most distinguished officers in the service. He was possessed of considerable talent, was particularly well informed upon all points bearing upon the duties of managing a fleet. It was not every young man who could manage a fleet, though, no doubt, every young man thought he could do so. Considerable knowledge and experience, and a great deal of talent were requisite for the management of a fleet. Sir E. Owen was known to possess those qualifications, and as long as he felt himself strong and fit for duty, it would ill become the Admiralty to set him aside, and tell him that he was not able to act. He (Sir G. Cockburn) could not take that course, because he knew that the gallant Admiral was quite efficient, and believed that he would manage the fleet as well as any man who being much younger thought himself much more clever. If any insubordination existed in the fleet in the Mediterranean, he was persuaded that the gallant Admiral would set matters to rights there. His hon. and gallant Friend opposite, had earnestly urged the expediency of giving such allowances to old officers as would induce them to quit the service, and make room for others less under the weight of years. Upon that point, he wished to recall to the mind of a noble Lord on the other side of the House, that a suggestion of this nature had been made in the naval and military commission, and that it had been well considered, and carefully argued. It certainly was a subject that deserved consideration, but then he thought it might fairly be doubted whether the course recommended by his hon. and gallant Friend was the best that could be adopted; this was a topic, however, upon which he would not now dilate; but if there was to be any increase of the pay of the seamen, the pay of the officers ought to be advanced in a similar proportion. It had been suggested, that the pay of the seamen ought to be advanced to the extent of 12*s.* a month; such an advance would compel the merchant service to raise the wages of seamen higher; as much as often stated of the unpopularity of the navy, Gentlemen might depend upon it, that whatever was the pay given in the navy, the merchants service will be obliged to give more to obtain men; the question, therefore, became one of great importance—one which not only concerned the defence of the country, but the whole commerce of the country, and on that ground, if not upon any other, he thought that it well became the responsible advisers of the Crown to look at the matter very seriously, and pause before they took a step which involved consequences of the most important character. In the course of the present discussion, reference had been also made to the number of boys employed in the navy; that, as well as the other topics opened upon this occasion, formed in itself another very large question. He believed there could be no doubt that both in the merchant service and in the navy, there were more boys than were absolutely necessary; and at all times there were more boys ready to go to sea than were required or could be provided for, and it was useless to bring forward more seamen than could find employment in the naval and mercantile marine, this country will always have as many seamen as you will give bread to, but with the exception of a few over for relief you will have no more, for seamen must eat like all other working men. At the close of the last war upwards of 100,000 seamen were turned adrift upon the wide world, and they were of necessity reduced to a most distressing condition; some of them became labourers in the country and some entered into foreign service; and he was sure hon. Members would agree with him when he said, that nothing should be done calculated to produce a repetition of occurrences so painful, and in all respects so disadvantageous to the public service and to the great interests of the country. Subsequently, the naval establishment was reduced to 13,000 men. It had now again, in consequence of the alarm which prevailed last year, been raised to 32,500 men. He need hardly observe that a seaman could not be called into existence at a moment's notice, and therefore it was not all at once that such an addition could be made to a force, which for some time previously had been neglected and allowed to fall into decay, and which of a sudden the nation called upon the Government to augment. [Sir *C. Napier*, it had been increased gradually.] Not very gradually. There had been certainly of late difficulty in obtaining men from the causes I have stated, but they have now been obtained. That object then having been accomplished, there would, as a matter of course, be a glut in the market, and the usual supply of boys would prove sufficient to keep up the establishment. He quite concurred with those who thought that there was a strong necessity for keeping up at least the number of men now employed, for, of course, in proportion to the number of men maintained during peace in the navy, would be reduced the necessity of reverting to impressment on the breaking out of war, and thereby distressing the merchant service. As to the pay of the officers, it was not for him to make objections to any increase of their pay which the House of Commons might think advisable; but as some reference had been made to the comparative pay of the army and the navy, he must be permitted to observe, that the pay of a captain of a first rate in the navy amounted to 800*l*. a-year, while the pay of a colonel in the army did not exceed 310*l*.; but he did not then propose to argue the question. There was a point, however, to which he wished to direct attention. The point to which he alluded related to the petty officers of the navy, he thought them a class of men who could not be too much encouraged; they were much attached to the service, and they frequently moved about from ship to ship; they formed a very valuable and useful class, and he thought it highly desirable that they should, in all cases where promotion was deserved, be raised to the rank of warrant officers. Much had been said by other hon. Members as to the importance of having our fleets commanded by young officers; on that subject he would only observe that the House would probably recollect, that some of our most decisive naval victories had been achieved under the command of admirals far advanced in life. The next subject that he would advert to was, that of the "good service pensions," which it had been argued ought to be continued, whether the officers holding them were employed or not, but the recommendation of the Committee of the House of Commons, and the Order in Council expressly stated they should only be held whilst the officers were on half-pay, unless when held by officers whose distinguished services placed them out of all rule, such for instance as had lately been rendered by the hon. and gallant Member for Marylebonne, but if it were the opinion of the House, such persons should be held with the full pay generally, there could be no difficulty in procuring an alteration of the Order in Council to that effect. As regarded retirement, it would certainly be a valuable improvement, that all officers after a certain age should be allowed to retire on 20*s*. a day. One gallant officer had also spoken on the subject of enabling officers to sell their commissions. That was an old proposition of his own, but when he brought forward the proposition, the House did not seem to like the idea, and therefore he dropped it. He brought the question forward again before the military and naval commission, but he met with no disposition to encourage any plan to introduce into the navy the principle of buying and selling commissions. As the subject, however, had again been mentioned in the House, he thought he might again be allowed to refer to it. In every service, and under every Government, there could be no doubt, a certain degree of interest must prevail. A man with great parliamentary interest came to a public board, and it was not always easy to resist his application. Nor was this evil without some accompanying advantages, for he felt bound to say, that it was of great advantage to the service now and then to bring forward young officers. Now, if sales of commissions were allowed, it had struck him there would be this advantage in it. There were two hundred captains on the list who were scarcely fit for service any longer, yet it would be a great expense to the country to remove them by giving them increased pay; but it would still be much to the good of the service if they could be comfortably removed from it. The management of this ought, of course, to be left entirely to the responsibility of the Admiralty. Suppose, then, a gentleman with great parliamentary interest came to the first Lord of the Admiralty, and applied to have his son or his nephew promoted. the first Lord might tell him in reply that he would put the son or nephew's name on the list for purchase, he knew of a certain number of officers desirous of going out of the service, and a sum, say of 4,000*l.* would prove a tempting and comfortable provision for the retiring officer to be furnished by the young officer whose parents might be able and willing so to press him forward in the service. Under such a system when an old officer of thirty years' service might be made on the same day with a comparatively young officer, the old officer would have the satisfaction of knowing that he owed his rank only to his services, while the young officer had sacrificed a large sum of money to obtain the same rank. Such a reflection would act as a balm of consolation to the old officer, rather than otherwise. As the subject had been brought forward again, he had been unable to resist the inclination of stating his views on it. As it was certainly desirable, that means should be found of providing for the promotion of younger officers, by the retirement of those who were past the period of service. And it appeared to him, that there were only two ways in which this could be done. The first was, to provide for the retirement of old officers by a grant from the Exchequer, by allowing them to retire on 20*s.* a day instead of 14*s.* The second was, to allow some arrangement to be made to renovate the service by permitting the purchase of commissions. With regard to one point more which had been adverted to by the former Secretary of the Admiralty the Member for Halifax, he begged to say that there being a considerable want of petty officers that could be depended upon. Since the sudden augmentation of the navy, and the reasons which operated to prevent seamen having pensions from joining the navy no longer prevailing, the Admiralty deemed it advisable to admit of their again serving in it retaining their pensions, which has quickly supplied the required number of excellent and trustworthy petty officers, and as he had been informed given great and general satisfaction both to officers and men. Pensions to seamen are only granted under the immediate supervision of one of the Lords of the Admiralty, and when a man has earned one, he is almost sure to be a good and trustworthy man, and therefore a most valuable acquisition as a petty officer to guide and lead those who have more recently come into the service, which he trusted would fully justify what had been done on that point, notwithstanding the adverse remarks relating to it, of the hon. Member opposite.

Captain *Berkeley* said, he was not going to find fault with the Board of Admiralty for the clemency shown to Mr. Elton. The answer which he had received the other night had perfectly satisfied him, inasmuch as it had cleared the character of Captain Williams, and of the officers who formed the court before which Mr. Elton had been tried, from the imputations so lavishly poured out upon them by the public press. Mr. Elton, it was quite true, had served in a ship under his command, and had plumed himself very much on a certificate from him. But the young man's friends had been too cautious to produce his certificate, stating the reasons why Mr. Elton was removed from the Thunderer. Those reasons were very well known to Captain Williams. The feeling out of doors had been so strong on this matter, that he was glad to have it in his power to clear the character of the officers concerned in it. It was at his suggestion that Captain Williams had been promoted by the late Board of Admiralty, and he was an officer every way deserving of the distinction. The gallant Officer had spoken of the circumstance of a boat with a black flag having been rowed round the harbour by the mates of the Mediterranean fleet. He was convinced no such case had ever occurred. He was anxious to clear Sir R. Stopford's character against the supposition that such an occurrence could have taken place in a fleet under his command. He was sorry at all times to draw comparisons between the officers of the navy and those of the army, but as the remark had been made that the pay of a captain in the navy was larger than that of a colonel in the army, it ought to be remembered that a colonel had only his mess to pay, while a captain in command of a ship could not properly carry on the service without keeping an expensive table. A colonel, too, had many allowances in addition to his pay, while the pay had to cover everything with the captain in the navy. The gallant Admiral who had just sat down, had been promoted at a time when the list was not so large as it was now. It was absolutely necessary that the list should be relieved, and that younger officers should be placed upon it. Let them take his case. What was his chance, even if he were to have a very long life, of ever rising to the rank of rear-admiral? He was made in 1814, and there were now 269 officers on the list before him: he knew of no chance that any brevet, during his time, was likely to reach down so low as 1814. Much had been said on the subject of pensions, and the gallant Admiral had said that the Order in Council was a bar to officers receiving those pensions while on active service. Would the gallant Admiral take it upon himself to urge upon the Admiralty the injustice of such a course? Before sitting down he must congratulate the country and the service on the great boon conferred on the navy by manning the ships in the way in which they were now manned. He had quitted the late Board of Admiralty on account of his strong feeling of the great injustice done to the service, by allowing the navy to remain with ships manned as they then were. He was glad the gallant commodore, and the gallant Member for Westminster had addressed the House in the way they had done. The more the circumstances of the navy were discussed, the better it would be. The army always had a man at the head of it, who had the feelings of a brother officer, but the navy was almost invariably under the control of one who could have none of those feelings. It was a delicate subject on which he was now going to touch, and in what he was going to say he wished to advance nothing disrespectful to either of the two noblemen to whom he was about to refer, nor did he wish to imply that either of them was not fully deserving of the promotion he had obtained. He alluded to the two last officers who had been raised to the dignity of the peerage. Now, when he saw two military officers selected for such a distinction, he could not help thinking of the services of such a man as Sir Robert Stopford, who had commenced his career in one of the most brilliant actions on record —had been in almost every general action since then, and had wound up his naval career by the reduction of St. Jean d'Acre. The result of Sir Robert Stopford's last achievement had been to secure the peace of Europe, and, without blaming the distinctions conferred on the army, he did think that similar rewards ought not to be withheld from the navy.

Lord *Ingestre* said, he hoped that naval men would always hang together. He hoped the honour of a peerage would be conferred on Sir R. Stopford. The present Board of Admiralty were entitled to the gratitude of the country for giving full complements to the ships. He wished to press upon the House the necessity of devising some plan for maintaining a constant stream of promotion, to fill up the places of those who became old and unfit for service. His hon. and gallant Friend, the Member for Ripon, (Sir G. Cockburn) was a splendid instance of a man preserving his powers after such a long course of service; but such cases must always be rare. It was to be hoped that some plan of retirement would be found. With respect to the pay, the navy were not generally dissatisfied, as there are several circumstances such as pensions, a power of allotting part of their pay which compensate for a less amount of pay to be obtained in the merchant service. But petty officers ought to have better pay, and their pay ought not to be reduced when serving in small vessels. In small brigs there was often much more work for the petty officers than on board of line-of-battle-ships, and therefore it was much to be desired that they should be paid according to their rank in the service, and not according to the rating of the vessels on board of which they served. He was glad to see that a committee of shipwrights had been appointed at Woolwich to consider of the best mode of construction. Three years ago, he had had the honour of moving for returns of the trials of three ships, the Pique, the Inconstant and the Castor in which the Inconstant, built by his lamented friend, Captain Hayes, had fully proved her superiority in sailing, besides having cost 3,000*l.* less than the Pique. He (Lord Ingestre) wished to know whether it was the intention of the Admiralty to construct any more ships on the plan of the Inconstant, also to lay down a line of battle-ships on the lines of Captain Hayes, which he was understood to have left to his family, and which he (Lord Ingestre) hoped would prove a great benefit to the country. He thought we had not a sufficient number of large frigates. When he saw how many vessels of that description France had, he did not think England was prepared, in case of an emergency, to maintain her superiority in this respect. Another question which he wished to put, related to the disastrous expedition to the Niger. Shortly before that expedition left this country, he thought it his duty to call the attention of Parliament to the calamitous consequences likely to result from the ill-judged time at which the expedition sailed for Africa. What he wished to know was, whether there was any intention of renewing that expedition? One thing he wished to press was, the inadequacy of the pay of a captain when in command of a ship. A captain must necessarily incur a great outlay of money if he observed the common hospitality which he was bound to show. It was considered part of the duty of a captain to show that hospitality; it was of material benefit to the service, but many officers were giving that hospitality to the country for nothing, and he would therefore recommend some allowance in the nature of table money.

Sir *George Cockburn* said, that a commission of all the master shipwrights was now sitting at Woolwich. Their report had not yet been received, but he hoped the result of their deliberations would be to obtain the best possible mode of building ships, and also how to place as many guns as could be fought consistently with strength, not forgetting the more important point of sailing against head seas and off lee shores. The Inconstant he believed to be the best ship of her class in the navy. On the last occasion on which she was tried, she went over the water like a duck, while her competitor was ploughing the waves with her bowsprit.

Lord *Stanley* said, that it properly devolved upon him to return an answer to the second question, which related to the probability of the renewal of an expedition to the Niger. That expedition was undertaken on the most humane motives. There had been a desire to ascertain whether it was not possible to improve the interior of Africa through the agency of commerce, and whether by that means a stop might not be put to the encouragement of the slave-trade. It was impossible to deny that to a certain lamentable extent the expedition had proved a failure. Yet it had been not altogether a failure. It had shown that it was the wish of the inhabitants of the interior of Africa to avail themselves of every opportunity to enter into commercial relations with the people of this country. A system of regular government existed among those tribes, and if the climate did not prevent it, there was evidently nothing in the way of an active commerce between the people of this country and those of the interior of Africa. The lamentable result of the expedition had been owing to the baneful nature of the climate along the river, and that climate had not improved in proportion as the expedition got to a greater distance from the sea. The effects of the climate had been so deadly on all the Europeans, that her Majesty's Government felt they would not be justified, even by the importance of the object to be attained, if they were again to risk the lives of a number of white men on a similar expedition. So far, therefore, as an expedition of white men was concerned, her Majesty's Government had no intention of renewing the expedition to the Niger. But one result of the expedition had been to form on the river an establishment of negroes, who, by a long commerce with Europeans, had been enabled to carry into the interior of Africa no small part of our civilization and religion. On the part of her Majesty's Government it was his wish to disclaim all intention of occupying territory, or of asserting any rights of sovereignty, or of offering protection which the country could not afterwards efficiently extend. Negroes going into the interior of Africa must not suppose that they settled there under British sovereignty, but must subject themselves to the laws of the country where they went to reside. Still it might be matter of doubt whether the settlement referred to ought to be altogether abandoned. It might be found possible to send a steamer up the Niger, with a crew composed wholly of negroes, for the climate had not been found to affect the negroes of the expedition. It might, therefore, be a fair matter of consideration, whether Government might not give to that settlement the protection which it might derive from the occasional appearance of a steamer under British colours on the river. At all events, it might be as well not to deprive themselves of the power of sending up the river to remove the persons composing that establishment, should such be their wish, and, therefore, it was possible that a small estimate for that purpose might be called for. After the loss of life, however, that had occurred in the late expedition, Government had no intention of repeating it on anything like a similar scale.

Mr. *Charles Wood* said, he had heard the statement made by the noble Lord with great satisfaction. With regard, however, to the good service pensions, he (Mr. C. Wood) might observe that the answer given by the right hon. Gentleman opposite, was precisely that which had been formerly given by him (Mr. C. Wood) when he had the honour of a seat at the Admiralty, and yet that answer had given greater satisfaction to the right hon. Gentleman's Friends behind him, than he had on the former occasion been able to impart. The Secretary to the Admiralty had announced, there had been a reduction of six sail of the line, which was more than he (Mr. C. Wood) had expected, although he thought that some reduction had been effected. He intended to offer no objection with respect to the number of men, that being a question which ought to be settled by the executive Government. He had no fault to find with the estimates; indeed it would be strange if he had, for they were as nearly as possible the same as those of last year—another signal proof that the present Government had not succeeded in acting much better than their predecessors. He did not intend to offer any objections to the course pursued by the Government with regard to manning the ships with full complements. Indeed, in the present state of the country, and of her foreign relations, in the state of the world at large, he admitted that for the last two years it would have been better if larger complements had been maintained. Nevertheless, the Admiralty had gone to work somewhat hastily, and some of their proceedings were not founded upon very intelligible principles. Some time ago a scheme had been proposed by several experienced officers for settling the complements of men by the number of guns and the weight of metal they carried. The calculation had been made with great care, and although not carried out, the scheme had been left in the Admiralty by the late Government. He did not mean to say that the numbers in the estimates were the same as those in the draft proposal he had alluded to. On the contrary, the new full complement for second class first rates was 950 men, whereas, according to the plan agreed upon, it was only 850, the plan adopted being 100 more; and he wished to know the reason of that increase. If it was determined that, at the present time, ships should go to sea under all circumstances, and whatever might be the state of our foreign relations or the nature of the service, with what was considered a full war complement, he should be glad to know what reasons had induced the Admiralty to reverse what had been the uniform practice of all the Boards of Admiralty up to the present time, a practice that had been approved of by Lords Howe and St. Vincent—namely, that in time of peace a reduced complement should be maintained. The right hon. Gentleman opposite had sat at the Admiralty Board in times not less critical than the present, when the battles of Navarino and Algiers had been fought with reduced complements, and he did not understand why the Admiralty had thought it right to depart from that course. Another subject to which he wished to direct the attention of the House, was the practice of allowing certain seamen to receive pensions with their pay. The present Government had made a general order that persons receiving pensions might receive pay also. He knew instances of two men who had served on board the Formidable; one was attacked with gout, and the other laboured under some bodily ailment. Both these men, although only temporarily disabled, received pensions and pay simultaneously. The case was reported to the Admiralty, and instead of stopping the pension the men were discharged. Thus, two able seamen, only suffering from a trifling temporary illness, were placed for life on the pension list. The Government, indeed, had reconsidered their determination, and had confined the system to those only who received the good service pension, but he concurred in what had fallen from the hon. and gallant Member for Marylebone, that the system was one that ought not to be continued in its present form. The principle was contrary to that recognised in every other branch of the public service. He thought the proper mode of effecting the object would be to give increased rate of pay to those who had served a certain number of years, say twenty, and were willing to remain, but that such increased pay should not go under the name of pension, and should be calculated in some proportion to the value of past services. Under the present system it might happen that persons enjoying both pay and pension would be in the receipt of a greater amount than the petty officers about them. At present there was no difficulty in keeping up the number of men once obtained, without resorting to the measures usually had recourse to in time of war, but the difficulty always had been, and would be, to make a sudden increase in the number. While ships were kept an eighth or tenth short of full complement, and the measure was resorted to of allowing pensioners to come into the service in time of war, the facility of increasing the force was greatly increased. In the same manner whatever number of pensioners were serving in merchant ships formed a reserve not used in time of peace, but available on the breaking out of war. The change of the system was moreover destroying what was a great advantage in the navy—the keeping up an intercourse with the merchant service. He objected to the alteration proposed by the Board of Admiralty, because it was calculated to make the Queen's marine like the army, an exclusive and peculiar service, and he thought the services ought to be viewed altogether upon broad and comprehensive principles of equality. He would then come to the estimate for the materials requisite for the maintenance of the navy. After the many—the repeated attacks, made upon the late Board of Admiralty for niggardliness, he confessed that he had not expected to see any reduction in the estimates of the present Government under that head. At that time those attacks were made he knew them to be false, and he did not think they were believed in at the time. Nor did he then imagine, that in the reduction the Government had made they had any intention of sacrificing the navy. He did not think the scheme of work left in the office by the late Government would be finished in the present year; indeed, the navy had been neglected, too few ships had been replaced; for, necessarily, after a lapse of fifteen years, many would be little better than unserviceable. It was only within the last two years that enough of building had been done in order to the due supply of line of battle ships, and the first class of steamers. The right hon. Baronet opposite (Sir J. Graham), when he presided at the Admiralty, carried out the reductions recommended by his predecessor, and certainly he had every right to think him quite capable of forming a just opinion, but he would say that the right hon. Baronet did carry them further than he would have done had he remained a short time longer in the office. Before 1830 an average of seven years gave them a consumption of 21,600 loads of timber, while an average of the four years up to 1836 gave only 9,600 loads, which was a reduction of more than one-half. Subsequently, they raised the consumption to 12,000 loads, but still in his opinion that was not enough. In 1834, when he went into office at the Admiralty, no knowledge of the state of things in the yards could be obtained without much trouble and great loss of time—indeed, it was years before they properly knew the real facts. In 1837, when an accurate survey was made, many of the stores, which certainly looked well upon paper, were found to be rotten; and it was found that there was not a supply available for more than six months. But the Government thought it better not to come down to the House and make an exposure of their affairs, which must inevitably reach the knowledge of foreign nations—they thought it better to take the means within their power to improve their condition silently, and rather suffer all the obloquy that was poured upon them, than make an exposure that might have proved so prejudicial to the interests of the country. The gradual but determined manner in which they had proceeded in that respect would be seen from the increased votes taken from year to year for the wages and stores of the dockyards. In 1835 the vote for wages was 300,000*l.*; for stores, 383,000*l.* In 1836, wages 298,000*l.*, stores 424,000*l.*; in 1837, wages 350,000*l.*, stores 575,000*l.*; in 1838, wages 384,000*l.*, stores 593,000*l.*: in 1339, wages 400,000*l.*, stores 951,000*l.*; in 1840, wages 460,000*l.*, stores 1,094,000*l.*; in 1841, wages 505,000*l.*, stores 1,337,000*l.* The proposod vote for the present year diminished the amount in both respects—the sum asked being, for wages 495,000*l.*, and for stores 1,310,000*l.* He hoped that the present Government would be as fully sensible as their predecessors of keeping up this department of the service, and that the efficiency of the dockyards would be narrowly and carefully looked into. Then with regard to steamers, the reduction proposed was 50,000*l.* —certainly a large reduction, considering the extreme and rising importance of steam navigation, and the demand for steam-vessels, and their exceeding usefulness in all operations along the coast: still, considering all these things, he trusted the Admiralty would expend sufficient upon steam enginery, and continue to build a sufficient number of steam-vessels. Then with regard to the packet service, he thought that item was important enough to be put into a separate vote. He was happy to find that Cunard's Halifax line had answered its purposes so well. The contract price was certainly a large one; but, although the Government had been so much found fault with, still it had been found necessary to make a further allowance. They had done well; but he was happy to see that the West India line had answered even better up to the present time. They were fine and powerful vessels which were employed, and he hoped they would continue to promote the intercourse and peaceable relations between this country and those to which they plied. They did not get one farthing more than they deserved, and, although the charge was high, he believed every shilling of the expense was now received by the Post-office.

Sir *George Cockburn* was understood to defend the proposition of the Government, to complete the complement of men in ships under commission. When it was found that France and America were manning their ships to the utmost, it became the duty of England not to be behind hand upon so vital a point of naval efficiency. He did not mean to say that a ship under-manned might not be navigated; but he mantained that it would not be in such a state as a British man-of-war ought to be to face an enemy. Seeing what other nations were doing in this respect, it was the bounden duty of the British Government to provide for the proper manning of its navy, The gallant Admiral then proceeded to defend the course which Government proposed to pursue with respect to pensions, upon the ground that pensions granted in the manner proposed would have the effect of preventing desertion, and improving the class of petty officers.

Sir *R. H. Inglis* said, he wished to make a few observations with reference to the remarks of some Gentlemen on that (the Ministerial) side of the House, who had expressed their disapproval of the recent expedition to the Niger. He felt that in alluding to this subject he was discharging a duty which he owed to men who were exceeded in gallantry by none who were engaged in the service of their country. He was anxious to express his grateful acknowledgements to the Members of the late Administration, as well as to her Majesty's present advisers, for the course they had pursued with regard to the Niger expedition. Hon. Gentlemen were remarkably sensitive with respect to the loss of human life in cases where the object was one of pure unmixed benevolence. God forbid that he should undervalue the sacrifice of human life which had been incurred during the progress of the expedition to which he alluded. He grieved for it as much, he trusted, as any individual in or out of that House. But when he considered the loss of life which had attended expeditions conducted for the single and sordid object of gain—when he reflected on the sacrifice of human life which had been incurred in carrying on the slave-trade, and when he compared it with the loss which had attended this expedition for suppressing that trade, he did not envy the sensitiveness of hon. Gentlemen who could bear to hear of the loss of one-fourth of the crews of all the vessels engaged in the Guinea trade—2,500 out of 10,000 individuals—and who censured her Majesty's Government for sending out an expedition to accomplish an object of the most pure and disinterested benevolence, in which forty-two individuals had perished. The result of the expedition of Oldfield and Laird had been much more disastrous. He thought the results of the expedition to the Niger did not justify the language which had been used by some hon. Gentlemen as to the policy which dictated the undertaking, and he was satisfied that the general principles of that policy would still be carried out. The question of the expediency of pursuing the objects of the expedition might hereafter come before the House; and it was only necessary for him to say that, in his opinion, nothing had transpired to justify the condemnation of her Majesty's late advisers, or of the present Government, for having countenanced and supported the undertaking.

Viscount *Ingestre*, in explanation, said that he had made no comment upon the propriety or impropriety of the Niger expedition, but had merely asked whether it were to be renewed.

Captain *Berkeley* approved of the policy which dictated our enlargement of the ships' complement of men. On his return from the Mediterranean, he had put the Admiralty in possession of a body of facts showing the necessity for such a course. In the month of August the Mediterranean fleet, very inefficiently manned, was warned that it was likely to come in contact with the French fleet. To meet such a contingency, it was imperatively necessary that the ships' crews should be increased; but it was not till the month of January following that a single additional seaman was supplied to the fleet. Nothing, in his estimation, could justify the impolicy and injustice of leaving a British fleet in a position of so much hazard.

Captain *Pechell* admitted the able and courteous manner in which the hon. Gentleman the Secretary to the Admiralty (Mr. Sidney Herbert) had submitted the estimates to the consideration of the House; but was still of opinion that so important a duty should be performed by one of the higher officers connected with that department. He admitted the advantage which the service would derive from some of the alterations proposed by the present Administration, and was only surprised that the estimates, as prepared by them, were not for a much larger amount. To have been consistent with the expression of former fears, as to the unguarded state of our shores, the Members of the present Government should have asked for such a sum as would have enabled them to place a fleet at the Nore, at Portsmouth, and at Plymouth, and he was surprised that they had not increased the estimates to carry their own projects into effect. The right hon. Baronet, the Member for Dorchester, (Sir J. Graham), in a speech addressed a few months ago to his constituents, declared that such was the confidence of France in the pacific intentions of the present Government of England that she had disbanded 90,000 men of her army, and reduced her fleet by six sail of the line. M. Guizot, however, had since declared in the French Chamber, that the Government of which he was the head, had no intention of adopting any such course; and the Minister of Marine, in the same debate, announced that no disarmament was contemplated, and that the fleet would be kept up to the same extent as it had been since 1840. It was true, that six sail-of-the line were to leave the Mediterranean; but instead of being put out of commission, they were to be stationed at Brest. He (Captain Pechell) conceived, therefore, that the danger of foreign aggression was infinitely greater now than it was at the time that the hon. Gentlemen opposite were so full of alarm, and that it was more the duty of the present than of the late Government to maintain the British fleet in its full force and efficiency. Looking at the estimates as now proposed, he could not but admit that he was perfectly satisfied with them. He thought that the Government acted wisely in giving increased complements to the ships in commission. They were the first to reduce them, and he was now glad that to find they were sensible of their error.

Mr. *W. Williams* said, it was not his intention to offer any objection to the vote, but he thought some explanation was necessary in regard to the Post-office department, and particularly in regard to the increased allowance to Mr. Cunard, for the conveyance of the mail between the country and North America.

Dr. *Bowring* complained of the mode in which the accounts were kept. Some time ago he had called the attention of the House to one cause of the great errors in the public accounts, growing out of the department for expenditure being also the department for receipt. He had suggested an alteration for the transferring the department for receipt to the Treasury, and he believed that the principle of the alteration was that on which every other Government acted.

The noble Lord the Member for London stated at the time that he concurred in the alteration, and his (Dr. Bowring's) object in rising was to express a hope that the present Government would take the point into consideration.

Mr. *F. T. Baring* rose merely to notice the observation of his hon. Friend behind him (Mr. Williams), in regard to the additional allowance to Mr. Cunard. That addition had been made in consequence of its having been found necessary to have two additional boats in the service of the Post-office department between this country and America. The allowance, however, had not been increased until the matter had been referred to two Government agents conversant with the subject, and it was upon their representation that the increase had been made, which in his own opinion Mr. Cunard was justly entitled to.

Vote agreed to, as was also the vote of 747,264*l* to defray the charges of victuals for seamen and marines.

On the vote of 121,449*l.* for defraying the salaries of the Lord Commissioners, and the contingent expenses of the Admiralty being proposed—

Sir *C. Napier* said, he wished to make a few observations regarding the manner in which the Board of Admiralty was constituted. It was at present composed of a first Lord, who was a civilian, and who received a salary of 4,500*l.*, of four Lords, at a salary of 1,000*l.* a year each, and one with a salary of 1,200*l.* Now, in the whole course of his service of forty years, he could not find out why it was that the navy in this country should be ruled by a civilian, who, perhaps, had never been on board ship in his life. The First Lord of the Admiralty must make a choice of a naval officer to assist him in his duties, and he should be glad to know whether it were not natural to suppose that that officer might have followers of his own, whom he would be as anxious to serve as those of the First Lord of the Admiralty, who was placed in the position of not being able to judge between right and wrong, and who could not tell whether it was advisable or not to act upon the suggestions of his assistant. Looking to the manner in which our navy was ruled, so far back as the year 872, he found that the sovereigns of those days were Lord High Admirals. From the time of Henry 3rd to Henry 8th, there were " admirals of the seas," admirals, as they were called, of the North Seas, and of the South Seas. Next came " the kings of the seas." Edward 3rd was king of the seas. In the reigns of Edward 6th, Mary, Elizabeth, James 1st, Charles 1st, and down to Charles 2nd, there were Lord High Admirals. In that reign the navy began to have princes Lord High Admirals. The Duke of York was Lord High Admiral, and shortly after, in the reign of Queen Anne, Prince George of Denmark was Lord High Admiral. He was succeeded by the Earl of Pembroke, and since then the navy had been governed by a Board of Admiralty. For what reason, he should like to know? The fact was, that the Minister of the day, in looking round him to form his cabinet, generally selected Gentlemen who had great influence and interest in the State, and as it seldom happened that naval officers were possessed of that kind of influence and interest, they being, in most cases, the youngest sons of noblemen and gentlemen, it also rarely happened that they were marked out for those high offices. That was one reason why the navy was ruled by a civilian. It might be very useful for a Minister, to have the patronage of the navy under his control, particularly when parties were pretty equally balanced. At present the balance was all on one side, which was so much the better for his argument. This was no new view of his. He had urged his idea on Lord Melville so far back as 1816, when he had brought under his notice the state of the navy, and he pointed out the necessity of appointing a naval commander-in-chief. His principal reference in his letter to Lord Melville, however, was not to a a first Lord, but was to something even worse than that, to a cornet of Dragoons. He had pointed out the absurdity of selecting the Marquess of Worcester, who was a military man, to superintend a part of the naval service. Why, they might as well have appointed a post-captain commander-in-chief to give instructions to the Duke of Wellington. He had followed up his views when the hon. Member for Dorchester (Sir James Graham) was at the Admiralty, in 1832, and had also addressed a letter to the right hon. Baronet (Sir R. Peel), when he came into power in 1835. What he wanted was a naval commander-in-chief of the British fleet, and he owned he could not see anything more ridiculous in that proposition than in placing a military commander-in-chief at the head of the army. At the Horse Guards they had a military adjutant-general, a military quartermaster-general, and a military secretary, and why, he should like to know, should they not have at the Admiralty a naval commander-in-chief of the fleet, one admiral at the head of the dock-yards, another at the head of the hospital and victualling departments, a captain of the fleet and a civilian at the finance under his orders with two secretaries, one a naval-officer, and the other civilian? It seemed to him that there were many good reasons why it should be so. When a First Lord came into power, he was generally extremly ignorant, but after he had been there a little time, he began to fancy that he knew a great deal, and had become a thorough sailor. This was very much the case with the late First Lord (the Earl of Minto), who, after he had been at the Admiralty some time, assumed a great deal more power than he ever ought to have assumed. He had always understood that where there was a Board the responsibility was divided between the members of that Board. Now, the late First Lord had, in one instance at least, assumed the power of acting in opposition to the express desire of every other member of the Board. An hon. Friend of his had informed him that when the subject of manning the navy was under the consideration of the naval Lords, a scheme was, after a great deal of trouble, agreed to, which met the views of every naval member of the Board. Among other things it was agreed, after long consideration and much discussion, to reduce the complement of men by one-eighth. One or two Lords were opposed to this reduction, but they yielded their views in order to secure unanimity, and, at last, the scheme was assented to by every naval Lord, and received, in addition, the concurrence of Lord Dalmeny. The result was communicated to Lord Minto, who put the document in his pocket, and nothing more was, for some time, heard of it. At length it was returned to the Board, and it was then discovered that Lord Minto had assumed the power of reducing the complement of men not by one-eighth but by one-fifth. Now, he asked, was that a proper state of things to continue? Was it right that a man who knew little or nothing of the navy should assume such a power as this, contrary to the opinion of the naval Lords of the Board? Similar instances were on record. It was said, that during Lord Chatham's Administration, a paper, ousting Lord Bridport from office, was sent down to the Lords of the Admiralty. Admiral Young and the other naval Lords refused to sign it, when the First Lord of the day pushed it down to the lay Lords at the bottom of the table, and said, "Sign the paper, or this Board shall no longer exist." It was also said, that Lord Spencer, when he was at the Admiralty, sent down to the Civil Lords papers requiring to be signed by several Lords, and that they were in the habit of signing them without looking at them. Only a day or two ago he (Sir C. Napier) had read in the Levant correspondence a private letter addressed by Lord Minto to Sir Robert Stopford, ordering him to proceed off Cyprus, and there to wait orders from the Admiralty. This, be it remembered, was a private order, and he asked, was it to be endured that such a power should be assumed? The remedy he proposed was a very simple one. There were an admiral and a vice-admiral of Great Britain at the present time. Why not make the office (instead of being a sinecure) useful in the administration of the affairs of the navy? Let them place the vice-admiral at the head of the dockyards, and he would answer for it that the moment they got a practical man who was responsible in that department they would not find such mistakes committed as had constantly taken place for a number of years past. It would not have happened that the masts of from 160 to 170 vessels of war were quite unfit for service. If they had a responsible naval chief too, they would not find that the navy was manned as it had been of late, for he would naturally say—"I will not take the responsibility attending an inefficient manning of the ships of war." He would be very naturally thinking of where his head would be if any misadventure occurred, but at present no such fear was entertained, for the Lords could shift about the responsibility from one to another, and, as the House knew, it was impossible to hang the whole Board. [An hon. *Member:* You can hang the secretary.] [Laughter, which increased as Mr. C. Wood, a late secretary, was observed to nod to Mr. S. Herbert, the present secretary, and pass his finger across his throat.] He understood that when Lord Auckland came into the Admiralty, it was found that the navy was reduced to the lowest possible scale, and that all the ships were on paper, that there were few stores, and that what there were required replenishment in every department. As to the argument about favouritism, why, favour and affection in the way of promotion went through every branch of the service at present. The right hon. Baronet, when he came into office had, greatly to his credit, pledged himself that merit, and merit alone, should be considered a stepping-stone to advancement, and certainly he had commenced his career well, for he had destroyed the Navy Board and the Victualling Board, which might have been destroyed with great advantage even at an earlier period. He only wished that when the right hon. Baronet destroyed those Boards he had gone a little further, and destroyed the Admiralty Board along with them. As far as the personal appointments at the Admiralty went, it was almost needless for him to say he had no objection to them. For Lord Haddington, as far as he knew him, he had every possible respect. He believed him to be a conscientious man, and he also believed that he would job as little as any of his predecessors. He had no objection to him, and if the Government wished to have a civilian for a commander-in-chief, he should not offer any very strong objection, even to his retaining his present position. Having made these remarks he would not trouble the House any further.

Captain *Carnegie* cordially concurred in the views of the gallant Officer who had just sat down, and felt assured that the appointment of naval Lords would prove in every way a most satisfactory one to the service. If it were said that they must have a statesman for a first Lord, he would reply, that it was not requisite that those who presided over the naval service of the country should know any other state secrets than the secrets of the state of our marine. They did not want a politician for a first Lord: there were no politics under the pennant. The navy had prospered well under naval Lords, and if they wanted an example he would refer them to its condition under the administration of Lord St. Vincent. Had the admirals who signalized themselves by naval exploits shown any lack of judgment or prudence in civil affairs? Was it not Sir C. Cotton, who commanded the fleet on the coast of Portugal, that refused to the last moment to sign the Convention of Cintra? Had not Sir Richard Keats shown the most consummate skill throughout the transactions attending the embarkation of the marquess of Romana's army on the coast of Sweden. Did not Sir T. Hardy nurse into vigour the infant states of South America? And in still more recent times, did not the address and perseverance of Lord J. Hay mitigate the ferocity of the disgraceful conflict which devastated the Basque provinces of Spain? He did not think the genius of these men would have shone to less advantage had their sphere of action been more enlarged. But, whatever might be determined with respect to the highest office in the navy, he hoped that Government would see the necessity of bestowing some of the offices that fell in their gift connected with the civil department of the navy on naval officers. He might instance those of the second secretary of the navy, now so ably filled by Sir J. Barrow, the Store-keeper General, and the Controller of the Victualling-office, now filled by civilians; and he hoped that Government would hereafter at least take into consideration the propriety of making naval men commissioners of Greenwich Hospital. He should like to see some of those innumerable situations of doorkeepers, porters, messengers and others of that sort, of which the Admiralty had the patronage, bestowed on deserving petty officers. He hoped that for the future some selection of persons to fill such posts might be made from the naval profession. He was most anxious not to be a party to any unseemly agitation on this subject, as he thought such a proceeding would not be consistent with the dignity of the navy; but he felt that he had only done his duty in making those remarks. He must add in justice to the right hon. Baronet, that if they were to have a civilian at the head of the navy, the right hon. Baronet could not have fixed on a person whose appointment could be more gratifying to the profession at large than that of the noble Lord who now presided over the Admiralty.

Viscount *Howick* thought, the topics brought under the consideration of the House by the gallant Officer who had just spoken of great and serious importance to the country. Could he suppose for a moment, that there was an assumption in any quarter that, among naval officers there was not to be found sufficient ability for civil affairs, the appearance which those gallant Officers had made, would of itself be sufficient to overthrow that assumption. Although, however, it might appear more natural to place a naval man at the head of the profession, still he had no hesitation whatever in giving a preference to the existing arrangement, because that, as he understood, it by no means excluded naval men from the situation of first Lord. The form of our Government, the nature of representative institutions, would render it extremely inconvenient that an invariable rule should be laid down that naval persons should be selected to fill the office of first Lord. Every man who had experience in political affairs must see cases in which great difficulty would be experienced from such a regulation. With respect to the objections brought against the authority exercised by the first Lord, which was complained of as excessive, he had himself, in the situation in which he had the honour to fill, witnessed the difficulties, the serious detriment, which arose to the public service from the division of authority between different and independent offices, in the administration of the army. He had seen the impossibility of effecting that co-operation and vigorous action of Government so necessary in the ordering of military affairs. The evils which sprang out of the existing system were so striking, and productive of such injurious consequences to the army, that if the House was in the slightest degree made aware of them, they never would entertain the notion of introducing this system into the management of the navy. On a future opportunity he should be prepared to show, in the administration of the army, under all the Governments of the last thirty-five years—even when so great a man as the Duke of Wellington filled the situations of Master-General of the Ordnance and Commander-in-Chief—and when he himself (Viscount Howick) filled the situations of Secretary at War, such a series of mismanagement and blunders, affecting the lives and welfare of British soldiers, by which in the course of a few years, thousands of lives and hundreds of thousands of pounds were lost to the country—he pledged himself, on a fitting opportunity to show such a case of inconvenience and mischief, arising from the existing management of the army, that the same system ought not to be followed in the navy. He firmly believed it was not individuals who were to blame for this, but the system. When the hon. and gallant Officer near him mentioned, with disapprobation, several instances of the first Lord almost acting for himself, without reference to his colleagues, he did not quite agree with the gallant Officer. Parliament and the country looked chiefly to the first Lord, and considered him responsible for the good management of the navy, and he thought it an advantage resulting from the present constitution of the Board that the first Lord could not carry on the service, unless he could prevail on officers of high rank and standing to join him in his measures. If affairs were not managed by him in the manner they considered proper, their duty was plain, and their retirement from the Board was a strong check upon the proceedings of the first Lord, and a security to the public for the proper conduct of the public business. He deprecated the reading of such letters as that which had been read by the gallant Commodore, and thought, that the question whether a civilian or a naval man ought to be at the head of the Admiralty would be better entertained on a future and more fitting occasion.

Sir *H. Hardinge* agreed with the noble Lord, that the Lord, that the question of whether there should be a civilian or a naval man at the head of the Admiralty had better be reserved for a more appropriate time. A report on that subject, which had received the signature of the noble Lord, contained, however, opinions totally different from the evidence on which it professed to be based. That report had reference to the administration of the army being conducted by a civilian, and the evidence of the Duke of Wellington, Lord Vivian, and other military officers went directly to assert that the mode proposed of superseding the Commander-in-Chief would be most disastrous to the army. He (Sir H. Hardinge) would never consent to the abrogation of the functions of the Commander-in-Chief.

Captain *Berkeley* said, that the letter of his which had been read by his hon. and gallant Friend gave a simple statement of facts, and he considered that in it he was guilty of no breach of confidence whatever. He had not been the first person to publish a statement with reference to the management of the navy; his publication, and that for which he left the board, was in answer to a publication of the second secretary of that board, who was present at all their deliberations, who knew his strong opinions on the subject who knew that there was a difference of opinion between him and the first Lord on that subject; he published a defence of the system; he was rewarded by the first Lord of the Admiralty by the purchase of his book, while he (Captain

Berkeley), because he stood up for his profession, found it necessary, without any ill-will to the first Lord or to his Colleagues; and finding no fault with them, except that of not managing the navy as he thought they ought, he had found it necessary to resign. The letter which had been read was simply a statement, he thought it necessary in consequence of various misconstructions which had gone abroad as to his reasons for quitting the board, one of which reasons was said to be that he had changed his politics, and gone over to the other side, and he therefore deemed it essential to his character, to lay before the public, the grounds on which he had resigned his situation. If his hon. and gallant Friend thought proper to move that the salary of the first Lord, when a civilian, should be reduced to the sum that was on the paper, he would vote with him.

Mr. *C. Wood* regretted that the gallant Commodore should have read the letter. [Sir *C. Napier :* I was authorised to do it.] He was very sorry that his hon. and gallant Friend had given that authority. His hon. and gallant Friend, in alluding to the circumstance under which he had left the Admiralty, had scarcely done justice to Sir John Barrow, whose statement had been published without the concurrence of any member of the Admiralty. His hon. and gallant Friend was also mistaken in supposing that Sir John Barrow was present at the deliberations on the subject. The first intimation the members of the Admiralty had of that publication was its receipt from Sir John Barrow in a printed form.

Captain *Berkeley* explained, reiterating his former statement, and referring to a letter he had received while in the country from his hon. Friend himself (Mr. C. Wood) in corroboration of it.

Sir *Robert Peel* wished to say a few words on the main question, whether the committee should come to a decision that a naval officer should always, and necessarily, be at the head of the Board of Admiralty. He should be extremely sorry to pronounce any opinion against the qualifications of naval officers; but he should exceedingly deprecate on the part of the House of Commons, any resolution which should disturb the constitution under which the naval affairs of this country had for so long a period been conducted. Since 1797, there were only two instances in which naval men had been placed at the head of the Board of Admiralty; and looking to the general satisfaction which civilians presiding over the board had given to the service, and the great naval exploits achieved under their presidency, he could not help thinking it would be most unwise indeed for that House to establish a rule which would exclude civilians from holding such an office. The arguments which had been urged against the propriety of a civilian being first Lord would tell with equal, if not greater force, against a civilian being secretary. He very much doubted whether a naval man, with all his professional biases, prejudices, and predilections, most natural and laudable as they might be, could make the necessary reforms in the service with the same facility as a civilian. The rule did not exclude the appointment of a naval man, while it permitted that of a civilian as first Lord; and his decided opinion was, that the present constitution of the board, under a civilian of high standing, with no professional bias, prejudice, or predilection, acting under the advice of some of the most eminent men of the profession, who would necessarily influence him in all naval matters, but enabled to counteract professional prejudice by the influence of his character, his position as a Cabinet Minister, and his large view of other political affairs, was greatly superior to the plan proposed by the hon. and gallant Gentleman, and he again said, he should be exceedingly sorry, if the House were to disturb such a state of things.

Sir *C. Napier* was far from thinking, that the present constitution of the Board of Admiralty had given satisfaction to the naval service. The changes of the Members of the Board of Admiralty entailed considerable expense on the country, for no sooner was a new body of men installed, than they changed most of the regulations of their predecessors. As an instance of the bad effects of the administration of the navy by a Board of Admiralty presided over by a civilian, he would state, that at the end of the last war, the guns were in such a bad state, that when fired, they would scarcely hit an enemy. He might also mention, that during the latter period of the American war, a secret order was issued, that British ships of war should not engage American frigates, because the former were in such an efficient state. One captain, after the receipt of this order, on coming in contact with an American frigate, turned up his crew, and told them, that he had directions not to fight, for he was determined not to keep the order secret. As for himself, when he got the secret order, he put it in the only place fit to receive it—the quarter-gallery. He would state an instance, to show that under a system like the present, distinguished service was not always sure to be noticed. An officer, whom he knew well, had distinguished himself in the East-Indies, and was recommended for promotion by the Governor-general; but he found that his claims were disregarded by the Admiralty. He advised him to write a letter to the late King, when Lord High Admiral, stating his case, and in ten days afterwards he was made a Captain. Everything connected with the administration of the navy was in disorder, until William 4th was appointed Lord High Admiral. Every commander then felt an interest in putting his ship in order, for he felt convinced, that merit would not pass unrewarded. Under the present system, it was impossible that the navy could be properly managed. He had seen the British navy in risk of being disgraced, in consequence of inefficient manning, had a hostile fleet made its appearance off the coast of Syria. When the crews got sickly, if the French fleet had come down upon them, they must have been defeated. These were his reasons for thinking, that the navy should be ruled by a naval officer, and he should divide the committee on his motion. He moved for the purpose of carrying his views into effect, that the vote be reduced by 4,500*l.*

Captain *Pechell* should be sorry to imply by any vote disapprobation of the present first Lord of the Admiralty. He also considered the right hon. Baronet opposite entitled to praise for the appointment of Earl de Grey in 1835 as first Lord of the Admiralty, but he did certainly think that it would be desirable to select some one connected and conversant with naval affairs for this situation. The conduct of the late Sovereign when Lord High Admiral proved the truth of this observation. He was accessible at all times to officers of every rank, from the highest to the lowest, and it was well known that it was their services, and not parliamentary interest, which recommended them to his notice. It had been observed so late as in the year 1839, that services on the hustings were preferred at the Admiralty to services on the quarter deck. This observation was made by the right hon. Baronet, the present Secretary for the Home Department, who must be acquainted with the fact. In the case of the present first Lord of the Admiralty, Parliamentary influence had not been forgotten; in the appointment to China, too, it had not been forgotten; nor in the appointment of the hon. and gallant Officer opposite. Still the appointment to China, and those to Woolwich, and Deal, and perhaps to Cork, were good ones, and it was difficult for a board to resist Parliamentary influence; but if the charge was applied to the late Government, it was equally applicable to the present Government. He should support the motion to mark the sense of the principle, but not as against Lord Haddington.

The question was then put that a sum not exceeding 117,949*l.* be granted to her Majesty for defraying the expenses of the Admiralty-office for the ensuing financial year, which having been amended, negatived, vote as proposed agreed to; as was a vote of 716,799*l.* for half-pay, with the understanding that any discussion on the subject should be taken on the next vote of "Military Pensions and Allowances."

The House resumed. Committee to sit again.

House adjourned.

HOUSE OF LORDS,

Monday, March 7, 1842.

MINUTES.] BILLS. *Public.*—$2^{a.}$ Duchy of Cornwall.
Private.—$1^{a.}$ Bunson's Naturalization.

PETITIONS PRESENTED. By Lord Redesdale, from Millers of Newry, against the Importation of Flour.—By a noble Lord, from Wigan, to Extend certain Provisions of the Metropolis Police Act to Rural and Trading Districts.—By Lord Campbell, Lord Brougham, the Marquess of Clanricarde, and Viscount Melbourne, from several places in Ireland, for Legalizing certain Marriages by Dissenters.—By the Bishop of London, from Inhabitants of the Metropolis, against Burial Grounds in Populous places; and from Otter Belchamp, against Voting Money for Maynooth.—From Galashiels, for the Repeal of the Corn and Provision Laws.

BANKRUPTCY LAWS — ECCLESIASTICAL COURTS.] Lord *Campbell* said, that in the Speech from the Throne, delivered on the 3rd of February, it was intimated that measures would be submitted to Parliament for amending the laws relating to bankruptcy, and for the improvement of the Ecclesiastical Courts in England and

Wales. They had now arrived at the 7th of March, and no such measures had been brought forward. Had the Government any such in contemplation?

The *Lord Chancellor* said, that a bill had been prepared for the amendment of the bankruptcy laws, which he should submit to the House on Friday next. The bill in reference to the Ecclesiastical Courts was under the care of the Secretary of State, and would be brought forward in the other House as soon as it was ready.

Possession of Algiers.] The Marquess of *Clanricarde* had a question to put to the noble Lord at the head of Foreign Affairs, upon a point of considerable interest and importance. There had appeared in the newspapers of Paris and this country reports of a conversation between the French ambassador at this court and the noble Earl opposite, respecting the occupation of Algiers by the French. He was well aware of the delicacy and importance of the subject, and he should not, therefore, express any opinion on it, in order to avoid the possibility of giving offence in any quarter. There could be no doubt that the best possible understanding ought always to be maintained between this nation and France; and there was no person more alive to the dangers and inconveniences that must arise to both countries, and to Europe in general, from even the slightest temporary estrangement between the two countries; but, at the same time, as between individuals, so between governments, a clear understanding on all matters on which any discussion may have arisen, was most conducive to harmony and good feeling; and Parliament, in this matter, he thought, was bound to ascertain the facts; a matter of so much importance to the public having been mooted, Parliament, he would repeat, was bound to ascertain whether it were true that Government had committed this country to the extent to which, according to one report, it would appear that this country had been committed. There had been two different versions of the conversation in question. He should not quote the words, or enter into any examination of the expressions attributed to the noble Earl; but it had also been reported by the press of this country that the First Minister of the Crown of England had stated that there was no substantial difference between the two reports. Now, if the right hon. Baronet had expressed such an opinion, he (Lord Clanricarde) had the misfortune to differ from him, for, in his view of the matter, the two versions of the conversation differed widely in their meaning and import. The first version conveyed to his mind the impression that when the French Ambassador entered into conversation on the subject, the noble Earl rather avoided the matter, and declined to express, on the part of his Government, any feeling or opinion on the matter at the present moment, and under existing circumstances. But the other version made the noble Earl state that Great Britain gave her distinct and positive acquiescence in the permanent occupation by France, and in that government's assertion of the sovereignty of Algiers and the country around it, now overrun by the French troops. He did not credit this latter version, because he did not think it probable that her Majesty's Ministers would so commit this country, lightly and gratuitously; and he further thought it quite impossible that these ministers could have taken such a step without making communication to Parliament. The question, then, which he wished to put to the noble Earl was, whether he had made, on the part of his Government, any communication to the French ambassador affecting the government and sovereignty of Algiers and the country about it now occupied by France.

The Earl of *Aberdeen* said, that the noble Marquess having had the courtesy to give him notice of this question that morning, he was prepared to answer it. Noble Lords might recollect, that at the period of the French expedition to Algiers, he (the Earl of Aberdeen) then held the same office which he had now the honour to fill. The noble Marquess at that time asked him, he believed, some questions respecting negotiations which were going on on the subject, to which he had furnished replies. In 1833, he believed it was, in consequence of something that had taken place elsewhere, he found himself under the necessity of moving for the production of the papers which afforded an explanation of what had taken place at the period of the French expedition to Africa, and the noble Lord then at the head of the Government not only made no objection to the production of these papers, but expressed himself highly satisfied with the manner in which he had moved for their production. From that day to this he had never returned to this subject. He had thought it incumbent on him at that time, for his own honour and veracity, to require the production of that correspondence, but, from that time to the present, he had left the matter entirely in the hands of the late Government. He had felt that any interference would only embarrass them, and do no good to the public service, and he had therefore abstained from saying a word on the subject. When her Majesty, some months ago, was pleased to call him to the office which he now held, he naturally felt that among the various subjects which must engage his attention, and form the subject of discussion, the occupation of Algiers would be very likely to do so; and considering the part he had taken, and the office he had filled, and again occupied, he felt that the language he might hold on the subject might be a matter of some importance to the French government and to this country, and he felt that he had but one course to pursue; he felt that whatever he might have conceived himself called upon to do, had he been appointed to office in 1831, that coming into office in the year 1841, after ten years of silence, it was not his business to take any new course, other than that which had been followed by those who preceded him. He had, therefore, had no hesitation in making up his mind what course to pursue; and this was, retaining all the opinions he had before held and expressed on the subject of Algiers, to give no opinion on the subject unless called upon to do so. The conversation to which the noble Marquess referred was altogether an incidental one, not arising out of any proposition made to him (the Earl of Aberdeen) by the French ambassador—a conversation, in short, of quite a confidential and familiar nature, though very properly reported, no doubt, by the French ambassador to his government. There was no communication of any official correspondence or instructions, but there was, no doubt, matter which the Count St. Aulaire thought of some interest to his government. He had not the slightest doubt that M. de St. Aulaire was convinced that he had made a perfectly correct report of the conversation; for he might take this opportunity of declaring, and most explicitly, that it had never happened to him to have to deal with a more honourable and high-minded man than the present French ambassador, and it was a most fortunate thing for both countries that France was so represented in this country. But when he (the Earl of Aberdeen) saw the report of this conversation, as given in the French Chamber of Deputies, it certainly did occur to him that it was liable to erroneous inferences, and, in point of fact, he perceived that erroneous inferences had been drawn from it; and he therefore thought it incumbent on him, without delay, to rectify the error into which the French ambassador had inadvertently fallen. He therefore at once wrote to our ambassador at Paris, and he would read to their Lordships the contents of the despatch, and afterwards lay it on the Table. The despatch was dated January 28, and ran thus:—

"*Foreign Office, Jan.* 28, 1842.

"My Lord—My attention has been directed to a report in the *Moniteur*, of a speech delivered in the Chamber of Deputies, by M. Guizot, on the 20th inst. On that occasion his Excellency read in the tribune an account of a conversation between the Count St. Aulaire and myself, which had reference to the French possession in Africa, and which had been transmitted by the ambassador to the French minister.

"In this relation the Count St. Aulaire observes, 'I began by asserting that the security of our African possessions was for us an interest of the highest importance, which we could not allow to give way before any consideration; and Lord Aberdeen, after having listened to me attentively, said, I am very glad to be able to explain myself distinctly to you upon this point. I was minister in 1830. If I were to go back to that time, I should have much to say; but I take affairs as they were in 1841, and in the state in which they have been left by preceding Cabinets. I, therefore, look upon your position in Africa as a *fait accompli*, against which I have no further objection to make.'

"Now, I readily subscribe to the accuracy of this statement, with the exception of the last sentence. I never said that I had now no objection to make to the establishment of the French in Algiers, but that I had now no observation to make on the subject, and that it was my intention to be silent. The context shows that such was my meaning, and, in fact, this decision was the result of mature reflection. I felt that after ten years of acquiescence any objections at the present moment would have been misplaced, and that the course which it would have been impossible for me formerly to have adopted had now become entirely consistent with propriety and duty. It does not follow, however, that objections, although not expressed, may not be entertained.

"I have explained to the French ambassador the misapprehension into which he had fallen, and the erroneous statement which, in consequence, he had made to his government.

"With the same object in view, your Excellency will have the goodness to read this despatch to Monsieur Guizot. I am, &c.

(Signed) "ABERDEEN."

This was the despatch which he had sent to Lord Cowley. Lord Cowley obeyed his instructions, and there the matter ended. He had only now, by command of her Majesty, to lay the copy of the despatch on their Lordships' Table.

Despatch laid on the Table.

THE LATE ADMIRALTY.] The Earl of *Minto* wished to call the attention of their Lordships to a matter personal to himself. He was sensible of the great inconvenience of referring in that House to matters which had passed in the other House of Parliament, but there were occasions on which it was improper to allow extremely false impressions to go forth without explanation, and when he had read the passage from the newspapers which induced him to address the House, he thought their Lordships would agree with him, that the present was such an occasion. The passage to which he referred occurred in what purported to be the report of the speech of a gallant Member of the other House on Friday night, the object of that gallant Officer being to recommend to the notice of the House of Commons what he (Lord Minto) could not but consider a somewhat fanciful scheme of naval administration—a scheme which had been repeatedly suggested by him to the Admiralty, and was as often rejected. In pointing out the incompetence of civilians to fill the office of first Lord of the Admiralty, the gallant Member made the following observations:—

"When a first Lord came into power he was generally extremely ignorant, but after he had been there a little time he began to fancy that he knew a great deal, and had become a thorough sailor. This was very much the case with the late first Lord (the Earl of Minto), who, after he had been at the Admiralty some time, assumed a great deal more power than he ever ought to have assumed. He (Sir C. Napier) had always understood that where there was a board the responsibility was divided between the members of that board. Now, the late first Lord had, in one instance at least, assumed the power of acting in opposition to the express desire of every other member of the board. An hon. Friend of his had informed him, that when the subject of manning the navy was under the consideration of the naval lords, a scheme was, after a great deal of trouble, agreed to, which met the views of every naval member of the board. Among other things it was agreed, after long consideration and much discussion to reduce the complement of men by one-eighth. One or two lords were opposed to this reduction, but they yielded their views in order to secure unanimity, and at last the scheme was assented to by every naval lord, and received, in addition, the concurrence of Lord Dalmeny. The result was communicated to Lord Minto, who put the document in his pocket, and nothing more was for some time heard of it. At length it was returned to the board, and it was then discovered that Lord Minto had assumed the power of reducing the complement of men not by one-eighth but by one-fifth. Now, he asked, was that a proper state of things to continue? Was it right that a man who knew little or nothing of the navy should assume such a power as this, contrary to the opinion of the naval lords of the board? Similar instances were on record."

Now, before he (Earl Minto) went further, he would endeavour, in a few words —confining himself to the charge—to make their Lordships, if possible, understand what actually did take place on the occasion alluded to. He would not enter into the controversy as to the peace and war complements of our ships of war. He believed it to be a question of circumstances. In a time of profound peace he thought that it might be wise to have a large number of ships afloat with a smaller complement of men than would be required in time of war. But when the state of our foreign relations was at all menacing, it was necessary to increase the complement; and he thought that the present First Lord of the Admiralty was perfectly right in putting the full complement of men to all ships on foreign stations. He had said that he begged leave to call their Lordships' attention to the charge against himself personally, which was, that certain complements were recommended to him by the naval Lords of the Admiralty, which he took upon himself to reject, substituting a scale of complements of his own. In order to make himself intelligible, it may be proper that he should first explain in what manner the complements had been determined which he found established in the navy. Under the presidency of the late King as Lord High Admiral, a commission had been appointed composed of able and scientific officers, in which Sir Thomas Hardy presided, to consider and report upon this subject. After much careful inquiry and consideration, a report was made recommending a certain scale of complements for such class of ships—and this when he came to the Admiralty was understood to form the recognised scale of complements for war—from which the peace complements had been derived by the deduction of he thought one-eighth. Now this in certain classes of ships undoubtedly produced a low peace complement. And a commission subsequently appointed by him in which Sir Pulteney Malcolm presided, recommended a partial small increase of complements. When he came into office he found much complaint of the want of sufficient complements in some classes of ships. Many new classes of ships have been introduced into the service since the former scale of complements was settled, and a new and more powerful armament had been recently established for the fleet. These circumstances seemed to require that the whole scale of complements should be revived, and in the autumn of 1838 the members of the Board of Admiralty occupied themselves with looking carefully into the subject, and many schemes were proposed; at length, when it was thought that sufficient progress had been made in the investigation to enable every one to form his judgment, a special meeting of the board was held, at which Sir William Symonds and Sir Thomas Hastings were present; the board had a long sitting, and took the case of one of each class of ships into consideration. At this sitting no doubt there were differences of opinion on details, but ultimately a scale of complements for war was agreed on unanimously, and he believed that Captain Berkely was present and took part in the proceedings. Some technical difficulties occurred to prevent the immediate promulgation of this scale of complements, but undoubtedly the scale was unanimously adopted by the whole board, and this was the scale which he (Earl Minto) had established in the navy for war complements. Then came the question of a peace complement: under the previous system, the peace complement had been reduced from the war complement by a reduction of one-eighth of the whole number of the crew. Instead of this, it was proposed to have a reduction of either a fifth or a sixth of the number of men appropriated to the guns—indeed both those propositions were made. Mr. Wood drew up one of his extremely clear and able minutes, which he laid before the board, in which he described the principle on which the board had proceeded as to the war complement, and a scale of peace complements was then brought before the board, which, after some discussion, was approved of by all the members of the board. This scale it was, that he (Earl Minto) was charged with having put into his pocket, proposing another scale of his own, in opposition to the opinions of all the naval members of the board. But that was not the case. When the scale was produced, he said,

> "This is a great and serious question, involving a very large addition of expense, and requiring very careful consideration and inquiry, and one which cannot be disposed of off hand; I am bound, sitting here, to look after the public interests; I am bound to see that there is good reason for what is proposed, and that professional zeal or bias does not involve the country in more expense than is necessary; and I am bound to see that the former scale determined upon, after mature deliberation, by some of the ablest men in the service, is not lightly overturned; and I must therefore take time fully to consider this matter."

This was all that passed on the occasion, and the course which he thus took was so obvious and natural, that no one seemed to think it strange that he (Earl Minto) should adopt it. He had gone very minutely into the case, but he had all along stated to the board, that he thought the question one so purely professional, that he should feel bound to adopt what should turn out to be their real opinion, after a full and careful consideration. It very soon appeared that the principle on which they attempted to form complements for manning the ships was inapplicable to the case. To establish any one proportion between the peace and war complement for all descriptions of ships was found to be impossible, for it would give too large an allowance for one class of ships, and too small for another, and the whole scheme turned out to be arrant nonsense although it appeared very well on paper. It was therefore determined to take each case separately; accordingly one ship of each class was selected, and the board carefully went into the whole matter. A scale of peace complements was devised, and the proportionate complement in each ship was made greater in most cases and smaller in others than was formerly the case. The proposed scale of manning was first agreed to by the four naval lords. He then took the papers into his consideration, and he consulted the best counsellors that he could refer to on the subject, as to the most advisable course to take, namely the two senior naval lords, in both of whom he placed the most implicit confidence. After some suggestions had been made by Mr. Wood some slight change was made in the plan, and a new minute was drawn up and at last agreed to by the board. He admitted that Captain Berkeley was no party to this arrangement, but this was no fault of his, as that gallant Officer had left town; but he should have been very glad to discuss the matter with that Gentleman, who had undoubtedly paid very great attention to the subject. He trusted that he had said enough to show that he did not reverse the decision of the board at his own whim and pleasure. He might, however, observe, before he sat down, that he thought that the scale went too far in some respects, and as he at the time thought there was an error in there being too great an excess in manning ships, he sent down a minute desiring to know if the scheme of complements in question was recommended to him by the two senior naval Lords of the Admiralty, namely, Sir C. Adam, and Sir W. Parker. The messenger shortly after returned with the paper, marked—yes; signed "C. A.," "W. P." He hoped that he had thus succeeded in exonerating himself from the observations which had been made upon him elsewhere. He had no desire to bandy words between the House of Lords and the House of Commons as to the proper complements for ships in the navy, and still less did he wish to occupy the time of Parliament with matters which might appear personal to himself; he trusted, however, that the House would feel that he was called upon to make some explanation on the subject. He would only detain the House with adverting to one other point. Another charge brought against him was, that he had been guilty of an undue exercise of authority in sending out orders to the Admiral in the Mediterranean without the knowledge of the board. Sir Charles Napier said

"He would mention another instance in which he thought Earl Minto had assumed a great deal. He had read in a letter the other day, that that noble Lord had addressed a letter to Sir Robert Stopford, desiring him to proceed to Candia, and there wait for further orders. Was it to be endured that such power should be assumed by the First Lord of the Admiralty."

It was well known to noble Lords opposite that a Cabinet Minister in the situation which he held must often make confidential communications to the naval commander in chief of a fleet, and must sometimes even direct his movements. Now, the Members of the late Government, as well as himself, reposed the most entire confidence in Sir Robert Stopford, and he might be permitted to add, that Sir Robert Stopford had showed that he was most deserving of it. This was not a singular instance of his writing a letter to that gallant Admiral; for he could refer to fifty instances in which he sent letters to Sir Robert Stopford, to explain to that gallant officer the views of the Government. He did not give that gallant officer orders, but as the organ of the Government in this department he had communicated the views of Government, which could not be well discussed openly at a board. He begged to call their Lordship's attention to a letter which he had that day received from Sir Robert Stopford. It was in these terms:—

"*Royal Hospital, Greenwich,*
6th March, 1842.

My dear Lord,

With reference to Sir C. Napier's assertion in the House of Commons, that it was in consequence of a private letter from your Lordship, I proceeded off Candia to establish the authority of the Sultan in that island, I find upon reference to my papers, that an order to that effect proceeded from the Board of Admiralty, dated 22nd of Oct., 1840, transmitting instructions from Lord Palmerston, dated 19th October. But as I could not procure Turkish troops which I demanded to carry this order into execution, and considering the marines insufficient for that object, I never did proceed to Candia.

"I am quite certain that I never received any private communication from your Lordship upon that subject.—Believe me, my dear Lord, very faithfully yours,

"Robert Stopford."

Thus, although these assumed orders had not been issued regarding Candia, he found on referring to the Levant papers, the following letter referring to a wish expressed by him for the assembly of the squadron at Cyprus.

"*Princess Royal, off the South End of Cyprus, July* 11, 1839.

"I have the honour to inform your Excellency with my arrival here, with the squadron under my command, in pursuance of a private intimation from Lord Minto, signifying his wish for the squadron to assemble in this neighbourhood, and to await further orders.

"As the accounts of the Sultan's death, and the defeat of his army, which reached me this morning from Candia, and have been confirmed by the Rhadamanthus from Alexandria, may render it necessary for the squadron to take up another position, I have to request your Excellency will be pleased to favour me with such information for my further guidance as you may judge fit to give me under those altered circumstances.—I have, &c.,

"ROBERT STOPFORD."

This was the most complete answer to the statement of which he complained, sufficiently proving that Sir Robert Stopford did not consider the communication made to him in the light of an order which he was bound to observe. He had now, he thought, sufficiently replied to the charges made against him by the gallant Officer. He was aware of the extreme inconvenience of debating in that House matters which had been discussed in the other House of Parliament, and the propriety of avoiding anything which might tend to bandy controversy between them. He had, therefore, carefully abstained from all discussion on the question as to what was or was not the proper peace complement, and he hoped their Lordships would feel that he was justified in calling their attention to the attack which had been personally made upon him, and that he had not exceeded the bounds which he had endeavoured to lay down for himself in replying to it. He felt that it was extremely inconvenient to make observations in one House as to what passed in the other; but he hoped that he had abstained from all observations that were at all calculated to give rise to further discussions of the same kind.

Lord *Colchester* believed that it was contrary to the orders of the House that such discussions should take place, and certainly they could be attended with no public advantage. As the matter had been broached, however, he felt called upon to make one or two remarks on some observations made by the noble Earl. The noble Earl had alluded to what had occurred after the minute respecting the complements that ships of war should have in times of peace, which had been agreed to by the Board of Admiralty. The noble Earl said that this minute, drawn up by Mr. Wood, embodied the opinions of the four naval Lords. But it appeared that the noble Earl, from his own statement, got the two senior naval Lords with him to discuss the subject, and, no doubt, by the influence of his authority induced them to alter their opinion. The noble Earl added that this might be a very proper regulation as to the manning of ships, but for other political objects, such as the expense, &c., it was inexpedient to adopt the proposition. He did not say the change was made at the dictation of the noble Lord, but he thought he should have given his reasons to the whole Board, instead of referring the matter to only two members of it and himself. With regard to the other charge—that of issuing a private order, he thought the letter of Sir Robert Stopford which had been read to the House by the noble Earl sufficient evidence. He understood from that letter that the gallant officer went to Cyprus by order of the noble Earl, but that upon arriving there he found a new set of circumstances, which rendered it necessary for him to refer to the ambassador for such commands as he might deem fit. Indeed it appeared to him (Lord Colchester) impossible for any one to read that document and not come to the conclusion that the noble Earl did send a private communication to Sir Robert Stopford to proceed to Cyprus, and there await further orders. He, therefore, did not think that the gallant Officer who had alluded to the subject in the other House of Parliament could be fairly accused of having made an erroneous statement. That hon. and gallant Officer had told him that he had read the letter he had just quoted in a public paper. He did not wish to enter into any general discussion of the question, but he certainly thought that the hon. and gallant Officer who was supposed to have addressed the other House of Parliament, was in no degree open to the charge of having misstated facts. He must be permitted to add, that he thought her Majesty's present Government had acted with great prudence in increasing the former establishment, and he offered them his best thanks for having done so.

The Duke of *Richmond* said, that nothing could be more inconvenient than that a noble Lord should make observations on a speech delivered in the other House of Parliament, which he had not heard, but which he had only seen in the newspapers of the day. It was contrary to the orders of their Lordships' House. He was, however, unwilling to prevent his noble Friend from rising on the present occasion. His noble Friend had made a statement to-day in reference to something which had fallen from Captain Berkeley. He considered the charge made by the noble Earl against that gallant Officer a very serious one. He charged him with making, in his place in Parliament, a statement which was not true. Of course, the gallant Officer could not wish that charge to go forth uncontradicted, and, therefore he would get some Peer to rise in his place, and to make a statement for him; and without being a prophet, it was extremely likely when the Navy Estimates came before the House of Commons, that both these Gentlemen (Sir C. Napier and Captain Berkeley) would again defend themselves, and then the noble Earl would have to make another statement in reply. Could anything be more inconvenient than such proceedings? His noble Friend had read an extract from a report in a newspaper. That report did not give correctly the extract from Captain Berkeley's letter which Sir Charles Napier read. He would read to the House what Captain Berkeley really did write, and what Sir Charles Napier really did read. Captain Berkeley, after quitting the Admiralty, wrote a letter, from which this was an extract:—

> "Let there be no mistake as to my reasons for quitting the Admiralty. After mature deliberation, a scheme for the complement of each ship was agreed on, and approved of by all my Colleagues, and acceeded to by Lord Dalmeny. One-eighth was to be struck off for the peace establishment, and to this I consented—though disapproving of all reduction—for the sake of unanimity."

This, which he considered a boon to the service, was approved of, and laid before the Board by the Secretary, and Lord Minto put it in his pocket; and then Captain Berkeley received a letter from Mr. Wood, who said that it was to be not one-eighth, but one-fifth. The matter was not again brought before the Board of Admiralty. The whole of the naval Lords at that Board agreed to one-eighth, but the noble Earl said that it must be one-fifth, without even again consulting them. His noble Friend said that he did consult the two senior naval Lords, and that he sent a memorandum to that effect, and that they put their initials to the bottom of it with the word "Yes." But that, he said, was not placing it before the Board of Admiralty. The noble Earl admitted that he did not bring it before that Board, because, if he had, he would have heard from different members of it their disapprobation of the change. Under such circumstances he thought that Captain Berkeley would not have acted properly if he had not at once quitted the Board of Admiralty. With regard to the general question, he must say that his opinion was that ships should never leave port unless they were fully manned. He would rather that we had only two ships afloat well-manned, than that we had a dozen inefficiently manned. His noble Friend had also referred to the opinion of Sir Thomas Hardy. He knew that that gallant Officer stated over and over again to Captain Berkeley that he was one of the old-fashioned men, who thought that our ships ought not to go to sea unless properly manned. He thought the extract which he had read showed the inconvenience of discussing questions where the facts were disputed.

The Earl of *Minto* denied that he had brought any charge against the two gallant officers referred to; all that he wished to show was, that these gallant officers had imagined, in one case, that a state of things had occurred which never had happened; and in the other, he had endeavoured to show that he was justified in the course which he had taken. His noble Friend said, that the matter had never been brought before the board as to the complement on board men-of-war for a peace establishment. This was not so; the two senior naval officers at the board, after they had deliberated and fully discussed the subject, somewhat altered their opinions, and their final decision was equally assented to and sanctioned at the Board.

Lord *Fitzgerald* expressed his regret that the House had been drawn into this irregularity, and which, irregular as their proceedings had often been, could find no example. Anxious as the noble Earl naturally was to make a statement in vindication of his conduct as First Lord of the Admiralty, and disposed as every one was to do the noble Earl justice for his anxiety, yet he could but remark upon the danger of replying in that House to speeches delivered in the other House of Parliament, and not only stating the general substance, but quoting the very language, and naming the persons by whom they were spoken. He regretted that the noble Earl had not pursued the more regular course of moving for papers, instead of replying to speeches made by gallant Officers in the House of Commons, without any question before the House.

The Earl of *Minto* said, it had been his intention to have made a motion, but the habitual violation of the rules of the House would, he thought, justify his not doing so. He hoped, however, that noble Lords would give him credit for abstaining from making a reply to anything that had passed in another place, except upon the points which personally affected himself, and for not imputing blame to any of the Gentlemen who had spoken elsewhere.

Lord *Fitzgerald* remarked, that the noble Earl's own reference to the habitual violation of the rules of the House fully justified the remark he had made.

The Earl of *Minto* had often thought that the Lord Chancellor should be expected to interfere and prevent these irregularities.

The Duke of *Richmond* thought, that if this were the case his noble Friend on the Woolsack would have no sinecure. They should recollect that the Speaker of the House of Commons was elected by the House, whilst the Speaker of that House was chosen by the Crown. This made a great distinction, and he hoped the House would never give up the power of regulating their own proceedings. At any rate, he knew very well that no Lord Chancellor could do it.

Four or five noble Lords rose together, but gave way to

The *Lord Chancellor*, who amidst great laughter, gave notice that he would tomorrow lay upon the Table a bill for altering and amending the law with respect to proceedings in lunacy.

Subject at an end.

Adjourned.

HOUSE OF COMMONS,

Monday, March 7, 1842.

Minutes] **Bills.** *Public.*—1°· Salmon Fisheries (Scotland).

2°· Forged Exchequer Bills; Newgate Gaol (Dublin); Rivers (Ireland); Southwark Improvement (No. 2).

Private.—1°· Equitable Gas Company; Leeds and Wakefield Road; Tadcaster and Otley Road.

2°· West Stirlingshire Roads (No. 1); Nottingham Gas (No. 1); Castlerigg and Derwentwater Inclosure; Ormesby Inclosure; Glasgow, Paisley, Kilmarnock, and Ayr Railway.

Petitions Presented. By Mr. Walker, from Bury, Mr. Duncan, from places in Scotland, Mr. S. Crawford, from Rochdale, Dr. Bowring, from various places in Kent, Sir G. de H. Larpent, from Blackwall, and Limehouse, and other hon. Members, from various places, for the Repeal of the Corn-laws.—By Mr. Neville, from Inspectors of Corn Returns in Berks, to be Continued in Office.—By Sir Edward Coote, from Millers of Queen's County, Mr. Redington, Mr. Christmas, Mr. Reade, and Sir Valentine Blake, from various places in Ireland, and Mr. S. Wortley, from Millers of Huddersfield, and Halifax, to Encourage the Importation of Grain instead of Flour.—By Viscount Newry, from Newry, against the Corn Importation Bill.—By an hon. Member, from the Ayr Railway Company, to Select Ardrossan as the Mail Packet Station for Scotland.—By Mr. T. Duncombe, from Individuals of Marylebone, to Inquire into the Operation of the Anatomy Act.—By Samuel Gordon, for Inquiry into the Abstraction of a Petition from the Court of Chancery (Ireland); from Manchester, for the Remission of the Sentence on Frost, Williams, and Jones; from Old Brompton, for the Redemption of the Metropolitan Bridge Tolls; from certain Mechanics Institutions, to Exempt them from Rates and Taxes; and from Wm. H. Clarke, against the Queen's Bench Prison Bill.—By Mr. E. Tennent, and Mr. Grogan, from places in Ireland, to Legalize the Marriages of certain Dissenters.—From the Chairman of a Meeting of the People of the United Kingdon, for the adoption of Universal Suffrage.—From Cambridge, for an Act for County Courts.

Operation of the New Corn Bill.] Mr. *Masterman* wished to put a question to the right hon. Baronet at the head of the Government, relative to the time at which the new Corn Bill would come into operation. Considerable anxiety was felt on the point in the corn markets, in consequence of the newspapers having given different versions of the reply to a question on the subject a few nights ago. A doubt was entertained whether it were intended that the new scale of duties should come into operation on the first Thursday after the new Corn Bill received the royal assent, or not until after six weeks' averages had been taken. He thought it desirable that this point should be cleared up.

Sir *R. Peel* thought, that if the hon. Gentleman had referred to the bill, he would have found the intentions of the Government clearly expressed. He had no hesitation, however, in again stating the course he proposed to pursue. It was certainly his intention that his low scale of duties should attach to the averages as soon as possible after the bill had received the royal assent, and for this purpose he proposed to enact, that the averages of the six weeks declared on the Thursday, subsequent to the bill receiving the royal assent, should determine the new duty. The new scale would thus be brought into operation as soon as possible.

RETIRING PENSIONS TO NAVAL OFFICERS.] Sir *C. Napier* wished to ask the Chancellor of the Exchequer whether, in consideration of the services of certain old captains in the navy, the Government proposed to introduce a small additional grant into the navy estimates for the purpose of giving retiring pensions to some of those old officers?

The *Chancellor of the Exchequer* said, no questions of the sort had been brought under the notice of his department.

Sir *C. Napier* then put the question to the Secretary for the Admiralty.

Mr. *S. Herbert* must be excused replying to a question with respect to which he really had no voice.

POSSESSION OF ALGIERS.] Sir *R. Peel* then said, that the hon. Member for Tipperary had given notice of a motion for the production of a despatch written by his noble Friend, the Secretary of State for Foreign Affairs on the subject of a conversation with the French Ambassador relative to the affairs of Algiers. He thought it might perhaps be convenient for the House if he at once stated, that he should lay that despatch on the Table. He had two reasons for pursuing this course. It was his wish, in the first place, as far as possible to check debates having reference to proceedings or speeches in the French Chambers; and secondly, as in the event of any discussion arising upon the subject the despatch might be referred to, he thought it would be more convenient that they should have the despatch before them, than that mangled extracts should be quoted from it. It was, of course, within the power of the right hon. Gentleman to found any motion he might please upon the subject of the despatch. If the right hon. Gentleman did so, he was quite prepared to meet the right hon. Gentleman. If there had been any misapprehension on this subject, he thought it was his duty at once to acquit the Count de St. Aulaire, the French ambassador. Every one who knew the character and high honour of that distinguished functionary, must be perfectly satisfied that if there had been any misapprehension on the part of the Count de St. Aulaire, it had been entirely unintentional, and he was sure the hon. Gentleman opposite would be the first to acquit that nobleman of any error which was at all intentional.

The despatch was laid on the Table.

BANKING.] On the order of the day for going into a Committee of Supply being read,

Mr. *C. Wood* wished, before the House resolved itself into a committee, to put a question to the right hon. Gentleman opposite, in order that he might ascertain what were the intentions of the Government on a subject of very great importance, and that had excited great interest in the country. The House was perfectly aware that for the last two Sessions a parliamentary committee had been sitting of which he (Mr. Wood) was the chairman, having for its object to inquire into the effects produced by banks of issue upon the country. The events which had occurred in the middle of the last Session of the last Parliament had brought the Session suddenly to a close, and interrupted the sittings of the committee, which was then inquiring into this subject. There was barely time to pass an act of Parliament providing for a more accurate and general publication of the amount of bank-notes put in circulation, but it was impossible for the committee to come to any conclusion or make any report to the House. Since Parliament had met many inquiries had been made of him, and he had received a great many communications from different parts of the country, owing to his having been chairman of that committee, requesting him to ascertain what were the intentions of the Government with respect to the question. Some time since he had mentioned the circumstance to the right hon. Baronet, in order that he might have time to consider the matter, and to confer with his Colleagues as to the course the Government might think advisable to adopt. He was quite aware that there would be considerable difficulty in reappointing the committee, from the circumstance that many of its efficient and active members had not seats in the present House of Commons. He, therefore, wished to ask what course the Government intended to pursue on a subject that had excited great interest in many parts of the kingdom?

Sir *R. Peel* said, he had given his best consideration to this important subject, and, certainly looking at the time bestowed upon the question by the committee of last Session, the application with which they had devoted themselves to it, and more especially to the attention and ability with which the hon. Gentleman had conducted its deliberations, he was disposed to regret that the committee had separated without agreeing upon some distinct report. The question, as now presented, was certainly a difficult one. To reappoint the committee of inquiry would, he thought, be almost useless. For three Sessions an inquiry had been conducted by a committee of that House with reference to the joint-stock bank system. That committee had exhausted the subject, or, at least, if they had not, it was because the subject was not to be exhausted. On the termination of that inquiry, an hon. Gentleman had proposed the appointment of the committee which had been already referred to. That committee had sat two Sessions, so that altogether there had been committees on the subject of banking during five consecutive Sessions of Parliament. To renew this committee, therefore, for the purposes of inquiry, would he thought be useless; but then the question occurred, shall we reappoint the committee in order that it may report? Now, on this point of the subject, it must be taken into consideration, that no less than eight Members of the late committee were without seats in the present Parliament; and of those eight, he must say, that some of them were the most regular and the most active Members upon the committee. He could not but think, therefore, that any report agreed upon by the committee now would be imperfect; and, in addition to this consideration, he really thought that the question was one of so much importance that it ought to be dealt with rather by the executive Government than by a committee. With regard to the course the Government would pursue, he could not, at present, give any express statement of what would be done. The subject was one for consideration, and as soon as it was possible to give it the careful deliberation it required, the Government would not fail to entertain it, and to make known the result to the House.

Mr. *C. Wood* entirely concurred in what had fallen from the right hon. Gentleman. He had asked the question merely because he wished to know what was to be done, and that the answer might go forth. The answer given by the right hon. Gentleman was, in his opinion, the only one that it was in his power to give. He was sure that it was one that would satisfy all parties; as the subject was one that must be dealt with by the executive Government.

On the question that the Speaker do leave the Chair,

THE MASTER MANUFACTURERS.] Mr. *Ferrand* said, that having on Friday night been charged with having made assertions which were not facts, and with having used expressions that he had not used, he trusted that when it was considered that he stood there as the advocate of the cause of the working classes of the North of England, he should not be considered to be deviating from the strict rules of the House if he occupied a short space of its time in adverting to the charges brought against him. Since Friday evening he had had an opportunity of looking at what he had said, and he found that he had never used the word "all," and that he had never charged the hon. Member for Stockport with "abominable cruelty," but that this was another *lapsus linguæ* of the hon. Member akin to that concerning his mills and printworks. The hon. Member had said, that during the last eighteen years only twenty men had been employed at his works during night. He was sure, however, the hon. Member would be glad of the opportunity of explaining a point to which Mr. Leonard Horner had referred in one of his reports. Mr. Horner had said that no one could work in any printworks without being assisted by a child, who put on the colours, and assisted the men generally. He said,—

> "The employment of children is to prepare the smooth surface of colouring matter on which the carved block is pressed, and to take up the colour that is to be transferred to the cloth. There is a circular frame like the side of a sieve, upon which a fine woollen cloth is stretched, and on this the colour is spread. These pots stand by the side, and a child, who assists the man who prints, transfers the colour from the pot to the sieve, spreading it over the cloth with a flat brush to make a smooth surface. This is called 'tearing,' and the child who performs the operation, whether male or female, is called a 'tearboy.' Every printer has a table and a 'tearboy.' When any printing is going on the 'tearboy' must

be there, and they perform their work standing. The temperature of the room should not be less than seventy degrees, and the air should be rather humid."

Now he would take leave to ask the hon. Member whether, during the eighteen years his men had worked between six in the evening and eight o'clock in the morning, these tearboys had not also been working in his factory? And he asked this, as he said before, that the hon. Member might have an opportunity of explaining whether he was correct in the representations he had made, or whether Mr. Leonard Horner was correct in his report. The hon. Member for Wolverhampton had read in the House a declaration, signed by seventy-two cotton-spinners, and had forwarded to him a copy of that declaration, to which were annexed two extracts from his speech. The hon. Member was about to read the declaration, when

The *Speaker* intimated that it was out of order to refer to anything that was said out of the House on the subject of what had taken place within its walls, and therefore the hon. Member must not read the statement.

Mr. *Ferrand:* These people said, that they kept no truck-shops, and that they paid all their workpeople in the current coin of the realm. But he did ask, did they not hand the key to their workmen; did they not make them rent their cottages? Did they know nothing of the flour paste; nothing of the shoddy trade; nothing of the old rags and the devil's dust? They asserted that they kept no truck-shops, and that they paid in no other way but in the current coin of the realm; but he (Mr. Ferrand) had never charged them with doing these things. ["*Oh, oh!*"] He had never charged them with keeping truck-shops. What he had said was, that they evaded the law by letting their relatives keep truck-shops, and that, although they might pay their men in the current coin of the realm, yet they stopped a great part of it on its way home. But suppose he admitted all that the subscribers to this requisition urged—suppose he allowed that they were the seventy-two just men of the league—did the hon. Member mean to say that these were the whole of the subscribers to that association? Why, he thought that they boasted of having extended their ramifications through every part of the country? He thought they said that this was a national league—that it had branches in every part of England, Ireland, Scotland, and Wales? How happened it, then, that these men undertook by a quibble to deny and repudiate the system of their fellows throughout the nation? But he turned the page of this declaration and he found a circular addressed by the agitators at Manchester to their correspondents; it ran thus:—

"Manchester Anti-Corn-law League.—You will oblige the council by affixing your name to the declaration and returning it at the earliest possible moment."

Now, in the declaration as read, there was not the name of one single Yorkshire manufacturer; of the seventy-two parties subscribing the declaration there was not one who did not live in Manchester or some other large town where they dared not carry on the truck system for fear of the shopkeepers. It was in secret—it was in dark corners that this infamy was perpetrated. It was where there were none to rise up and explain the nefarious system as he had done. [*Laughter.*] Oh, their interruptions would not put him down. He stood there to speak the truth, and those who rose for that purpose were not to be silenced by clamour. It was in the name of the working classes of England that he addressed that House, and he recommended them to follow the advice of the hon. Member for Oldham and leave him alone. The hon. Member for Oldham had told them that they had better let this matter drop. When the representative for Wolverhampton had said that these charges should not rest there, the hon. Member for Oldham had said to him, "You had better let the matter rest, for I can undertake to prove all Mr. Ferrand has said—and ten times worse." He challenged the hon. Member for Wolverhampton, then, to move for his select committee. Let them institute an inquiry into those charges—let them examine and see who was right. To-night he would undertake to state the charges which he had to make against the dishonest part of the manufacturers, and if hon. Members opposite denied the truth of his allegations, he would drive them to the course of asking for a select committee of inquiry. The letter he was about to read was from a poor man in a manufacturing town in Lancashire, and he did trust that hon. Members opposite, if they would not listen to him, would at least listen to a poor man. Members opposite boasted that they were the champions of the poor man, and that they came to the House of Commons to ask for a repeal of the Corn-laws for the sake of the poor man. Let them listen for a moment to the words of a poor man.—

“ *Bolton, March* 1.

“My dear Sir,—It is with the greatest pleasure I read your speech of last Thursday. It was one of the sort that has long been wanted; but, Sir, though it appears to have struck such a panic amongst them as they (the Anti-Corn-law League) little expected, you did not positively more than half do it. I wish some one on the Conservative side of the House would move for a committee of inquiry. I feel confident it would strike such an awe over them as they would not be guilty of such practices. On Monday evening, the 21st ult., a meeting of the Anti-Corn-law League was held in the Temperance-hall, when —— was called to the chair. Now, Sir, this is a spinning-master, and occupies a large mill in —— street. He lives about a mile out of town in a splendid mansion on the —— road, near which is a farm which keeps about twenty cows. Mind, Sir, he was not worth a suit of clothes when he came to Bolton at the first, but a poor Irish lad, all rags and tatters. This man now, Sir, not only compels his spinners to have cottages, but also reelers (girls sixteen years of age) must pay rent from 2*s*. 6*d*. to 4*s*. 6*d*. per week, or they must have no work. They must also have a quart of milk a day, whether they can drink it or not. Dear Sir, the houses are of the worst description, and are re-let by the workpeople from a shilling to half-a-crown a-week, and very often not let at all, and then, of course, they lose all the rent. The master stops it out of their wages, if they have not a penny to take home. Most of the spinning-masters compel their spinners to have cottages, but none except they of the Anti Corn-law League make girls. These gentlemen are always screwing and oppressing. I will tell you of another rascally trick of ——. He makes a practice of running his mill from Monday until Saturday, and because Saturday is a short day, on which we work only nine hours, he stops at noon, and only pays the hands for five days and a half. I wish you would just give him a touch in the House of Commons on this point, I think it would stop him, and you would confer a blessing on hundreds of poor helpless factory people (helpless, I say, because too many of us, owing to the coupling of wheels, &c.)

“I am yours, &c.,
“ ———, Lancashire.

“To —— Ferrand, Esq., London.”

This was a poor labouring man, who had not got the education that many other people had, and he, therefore, trusted the House would excuse the plainness of his language. [Mr. *W. Williams*: “Name, name.”] I will give it, said Mr. Ferrand, to the hon. Member, if he pleases, as soon as I sit down, and if he leaves the House for that purpose, I will follow him. But, let me tell him, the poor working men have suffered too much for attempting to expose the tyranny of their masters, and if a select committee should be granted by the House these poor wretches will never dare to come forward and give evidence unless they receive the protection of the Government of the country. He knew his statements on this subject, he continued, to be true, and he would tell the House that the working classes themselves asserted them to be true, and of that he would convince the House before he sat down. He had given them an instance of the tyranny practised in Lancashire; he would now give them another which occurred in Yorkshire, in his own neighbourhood, and again he said he was prepared to give up his authority to any hon. Member who required him to do so :—

“ A poor weaver, residing in the township of ——, with a wife and family of small children, has been for some time employed by a wealthy worsted, yarn, and stuff manufacturer, who has practised the abominable system of having a retail shop on his premises, where his work people well understood that they are to expend their hard-earned pittance in the purchase of shop goods. This poor man incurred a trifling debt, of about 10*s*. 6*d*. at this said shop, which he agreed to liquidate by allowing a deduction of 1*s*. weekly from his wages. But, alas! poor man, though he had not food for a day's sustenance for his family, when he carried in his work on the taking-in day, at the close of the week ending on the 19th of February instant, this wealthy millocrat deducted the 10*s*. 6*d*., which was the full amount of his wages due, and sent him away penniless, and refused to give him further employment. In this state of distress he applied to a magistrate on Monday morning, the 21st instant, for a summons for his wages, 10*s*. 6*d*., which he obtained (and I am glad to say, that the clerk gave him credit for his fee); but, what do you think? The tyrant shrank, for fear of the exposure, and compromised the affair with his injured slave, and thus ended the investigation of the case by a magistrate.”

These were the Anti-Corn-law League men! He had scores upon scores of such cases in his possession, which he was prepared to prove before a select committee —ay, not only that, but he would tell the

House that the working classes of England were rising up in defence of their cause, and were prepared to prove every word he had said. What would hon. Members opposite say, when he told them, that in spite of all the calumnies which might be heaped on his head by interested parties out of doors, the working classes of Birmingham had assembled in public meeting, and had unanimously passed a vote of thanks to him for exposing the conduct of their hard-hearted taskmasters? Here was the notice:—

"At a meeting of the working classes, convened at the King's Head Inn, Dudley-street, Birmingham, a vote of thanks was unanimously passed to Mr. Ferrand, the patriotic representative of Knaresborough, for his philanthropic defence of the operatives of England; his fearless exposure of the fraudulent designs of the Anti-Corn-law League, and the oppression and tyranny of Whig-Radical millocrats."

He would tell the House that at that meeting the working men stood forward and justified everything he had said within those walls, and declared themselves ready to prove his statements by evidence. Let it no longer be said that the weight of the charges he had made lay on his own head. Again, he challenged hon. Members opposite to move for a select committee, and if they would not do it, he would. He must now allude to what was said byt he noble Lord, the Member for the City of London, on a previous evening. That noble Lord stated that he (the noble Lord) understood he had only charged a limited number of manufacturers with the frauds which he had brought under the notice of the House. When the noble Lord sat down, he rose and told him he had brought the charge to a great extent against the bulk of the manufacturers, and that he was also ready to prove it. He had thought it his duty on Saturday last, in deference to the high position which that noble Lord held, not only in that House, but also in the estimation of the public out of doors, to send the noble Lord a sample of the common sort of cloth sold in Lancashire to the working classes. He had also sent a sample to the Prime Minister, for he was determined that his proceedings should not be carried on in the dark, and they should have ocular demonstration of what he had asserted, and what he was prepared to prove. Was there any hon. Member who would deny that the common sort of manufactures were daubed over with flour paste? He had a sample of the cloth in his hand, and he asked the noble Lord, the Member for the City of London, who knew a good deal of the affairs of the world, if he ever in his life saw such plunder as that to which the working men were exposed by this means. It was dreadful to contemplate; it was horrible to behold. Yes, the shirting which was sold to the poor people of Lancashire was completely daubed over with flour paste. [*Laughter.*"] He asked hon. Members who laughed, whether an inquiry ought not to be made into what he said, if it were true, and if it were untrue, whether such an opportunity of contradicting it had ever been offered to opponents? If what he asserted were true, did they by their smiles and derisive cheers hope to put it down? If the poor were robbed, as he said they were, was it not the duty of the Legislature to protect them? They came and asked the protection of that House. Did he ask anything unfair? Did he say anything in their behalf at which the House should shrink? If he did, fairly and with heartfelt gratitude would he give place to any hon. Member who would stand up and defend their cause within those walls. He was doing what he could for the poor, and, therefore, let not the Members of that House sneer at him. He felt that he was acting conscientiously; his own heart guided him in what he did, and if he erred in the slightest degree let the blame fall upon his own head, but let not the cause of the poor suffer. He asked the noble Lord opposite if he was not convinced from what he (Mr. Ferrand) had shown, that it was the duty of the Legislature to step in and prevent the robbery committed upon the poor, through the frauds which he (Mr. Ferrand) had exposed to the House? He would now read a letter published on the 1st of December last in the *Manchester Guardian*, a newspaper considered the organ of the Anti-Corn-law League, which would throw some light on the fraudulent practices to which he had alluded, and their effects:—

"The Corn-laws.—To the Editor of the *Manchester Guardian.*"

"Sir,—A power-loom manufacturer, working 1,000 looms is now paying more by 15*l.* per week, or upwards of 750*l.* per annum, for the flour used in his manufactory in the process of dressing, than he did for the same quantity in 1835. The present duty on corn gives the foreign manufacturer an advantage of several hundreds a year in such an establishment over the English one in the single article of sizing flour. The Corn-laws, by limiting the demand for goods at home and abroad, cause ruinous prices, heavy stocks, and general stagnation and depression, such as we are now suffering under. While these exist the manufacturer, in his efforts to save himself, endeavours to reduce the cost of production, and if he pays more for flour, he must pay less for labour. Thus wages are reduced, and this is one way in which the workpeople suffer from the high price of grain. A complete spinning and weaving establishment consumes as much flour in the process of dressing as the workpeople employed in it eat; and if flour was at the same price now as it was in 1835, the manufacturer could as well afford to give his hands nearly half as many loaves as they consume, in addition to their present wages, as he can now afford to pay them the latter. —I am, Sir, yours,

A MANUFACTURER."

"Stockport, Nov. 30, 1841."

Would hon. Members opposite now deny that flour paste was used in the making of calico? When he said that 100,000 quarters of wheat were consumed in the manufacture of such articles, under a system most baneful to the public, he spoke within bounds. He had thought it his duty on Thursday last to inform the noble Lord, the Member for the City of London, that he should find it necessary, in defending himself from the charges brought against him by an hon. Member opposite, to refer to the correspondence which took place between the noble Lord and Mr. Baker, superintendent of factories, ordered by the House of Commons, to be printed, June 21, 1836, when the noble Lord was Secretary for the Home Department. He did not blame the noble Lord for not understanding the manufacture of shoddy cloth, for at that time there was scarcely a man living in the South of England who knew anything about it. The letter of the superintendent was as follows:—

"My Lord,—In the case of Taylor, Ibbotson, and Co., I took the evidence from the mouths of the boys themselves. They stated to me they commenced working on Friday morning, the 27th of May last, at six o'clock, a. m., and that, with the exception of meal hours and one hour at midnight extra, they did not cease working till four o'clock on Saturday evening having been two days and a night thus engaged."

This would sufficiently show the horrid cruelties inflicted on the poor by their pretended friends; and he begged the House to recollect that these men, Taylor, Ibbotson, and Co., were great Anti-Corn-law men. This was the true character of the members of the League, who felt so much for the sufferings of the poor, and who were so anxious to repeal the Corn-laws for the benefit of the poor man, and not for their own. Another working man wrote to him as follows:—

"I am employed in the shoddy trade in Batley, near Dewsbury. I have not seen your last speech on the Corn-law debate, but I hear you made some reference to the use of shoddy; but that is not the worst part of the business. In every piece made, there is 3lb. and upwards of the best of flour used as stiffening, to deceive the wearer, and eventually ruin the trade. In the parish of Batley, there are some hundreds of pecks of the very best flour used in this way in the year. Batley Carr, another village a mile distant from Batley, used to have a very good trade in the manufacture of paddings and druggets, but they carried this shoddy and stiffening to such a length that trade is lost, all the village ruined, and but a few masters retired independent. In the stiffening of druggets and paddings there were used from 5lb. to 6lb. per piece."

Let hon. Members listen for a few more moments, and he would show them how the trade of the country had declined. It was the frauds practised in the manufacture which had ruined the trade of many districts, and not the effects of the Corn-laws. He had given them testimony to this, out of the mouths of the working men, and now he would read them the account which a manufacturer residing at Witney, in Oxfordshire, gave of some of those frauds. This person wrote to him:

"Witney, February 26, 1842.

Sir, If you want further corroboration about the rags, &c., used by some of the northern manufacturers, and would not mind inquiring of Messrs Lightfoot and Morris, the Government inspectors at Deptford dockyard, they could give you some very good proofs of it as used up in the jackets for our sailors, and technically called 'shoddy.' It is composed of old coarse woollens, such as blankets torn up after they are compaıatively worn out. There is no staple left to the wool, and, however nicely got up to please the eye, cloth made of such stuff, when it comes to be exposed to the wind and rain, will rot in a very little time. Ask them if the blue flushing made here last season, (in consequence of the complaints made of the cloth used for the sailor's jackets and trousers), did not give every satisfaction, as it was

> made of long English wool. It was in consequence of the many complaints on this score, that the navy board last year substituted the old Witney pattern of cloth again, after having laid it aside for ten years in consequence of the Yorkshire people always underselling them through the use of ‘shoddy’ or ‘devil’s dust.’ I will give you further information, for although a Whig and a manufacturer, I am an enemy to all trickery, and some of your remarks are bitingly true.—Z.”

He asked hon. Members opposite to do him as much justice as this manufacturer. If they were anxious to serve their country and the working people, they would not allow politics to stand in the way. He called on the hon. Member for Salford to come forward and lend his aid in the prosecution of this inquiry, and he was most ready to bear witness to the noble, manly, and generous exertions of that hon. Member in the cause of the factory children. Though, on this question, the hon. Member and himself might be at daggers drawn, still he hoped the day was not far distant when they should join hand and heart together in the attempt to rescue the poor factory children from the state of degradation to which they were now reduced. He had trespassed on the time of the House, in order to defend himself from the charges brought against him on Friday last. He felt that he had only done his duty; he could prove every word he had said, and, while standing there in defence of the working classes of England, he was fortified and strengthened by receiving with every post scores and scores of letters from those poor working men, as well as others from every grade and class of society, begging him not to be confounded and put down by any opposition in that House, and imploring him to make the truth known. It was with that intention he had come into the House; on that ground he took his stand, and was determined never to be put down. In the name of the working classes of England he challenged hon. Members opposite, he implored them, to ask for a select committee.

Mr. *C. P. Villiers* held in his hand the names of thirty other manufacturers who wished to add them to the declaration he had read to the House on Friday night, conveying their indignant denial of the charges made by the hon. Member for Knaresborough. He should think any man might be astonished by hearing the hon. Member calling on Gentlemen on that side of the House to ask for a select committee. The hon. Member had made the charges himself, and it was his duty to substantiate them. It was his duty to move for an instant inquiry into them. Not a single Member on that side of the House would oppose him. Any manufacturer would, he was sure, be glad to second a motion for inquiry, and then they would be ready to vindicate themselves from the charges brought against them.

Mr. *J. Fielden* believed there was a great deal of truth in what had been advanced by the hon. Member for Knaresborough. If a committee of the House were granted there would be such a developement of the proceedings of a great many manufacturers as would call for the application of an effectual remedy of some kind or other. It was asserted that the poor were now suffering grievous oppression in a variety of ways. The quantity of the persons employed was increasing, and the oppression of the poor increased in the same proportion. He should be very willing to second a motion for a select committee to examine the accuracy of the statements which had been set forth. He thought it would be found that the same oppressive proceedings were in many instances chargeable on the cultivators of the soil. He would read to the House a statement which appeared two or three weeks ago in the public newspapers. The proceeding to which it referred took place in a county magistrates’ office on Monday, Feb. 14, when there were present Messrs. H. S. Olivier, W. Hughes, and T. H. Grubbe. The hon. Member read the following paragraph from the *Wiltshire Independent*:—

> “Jeffry Dowse, a labouring man, was charged with damaging a maiden oak tree, the property of the trustees of the late Mr. Watson Taylor, at Urchfont. A policeman stated that he saw the defendant go from his house to a tree, into which he climbed and cut wood with a billhook. He then went to him and stopped him, and took away the hook. This was before six o’clock in the morning. It was bright moonlight. Mr. New said that the damage was 1*s*. Dowse, in his defence, said, ‘I was driven to do this by distress, to get something to make a fire to wash clothes for my family. I’ve a wife and five children; and no week this winter have I earned more than 7*s*. Last week I only earned 6*s*. 3*d*.; and out of that I paid 1*s*. 10½*d*. rent, and 9*d*. for firing, and what was left (3*s*. 7½*d*.) was all we had to keep seven persons. One of the Magistrates.—You need not have married; besides, your

distressed condition did not authorise you to steal. Dowse.—No, Sir; but distress drives one to do what you would not at another time. If I go to prison, I shall have some victuals to eat, that's one comfort. A Magistrate.—You have an honest face; it is a pity you should do such things. You look honest. (A more respectable-looking labouring man we have seldom seen.) In answer to one of the magistrates, Dowse said that he had been digging for Mr. John Snook, and before that for Mr. Weeks. Fined 10*s.* including costs. Dowse.—I could not pay 10*d.*, much less 10*s.* I must go to prison, I suppose. He was committed for fourteen days."

If the House would set about devising a remedy for such a state of things they must look to the poverty which overspread the people both in the rural and manufacturing districts. While this poverty existed they must expect to have such complaints urged upon them again and again; and however discreditable to the House and the country the statements might be which had been made by the hon. Member for Knaresborough, he was glad they had been brought forward, and he hoped the hon. Member would insist on their being fully investigated.

Mr. *Lambton*, as the representative of a northern constituency in some degree affected by the statements of the hon. Member for Knaresborough, expressed a hope that he would move for a committee forthwith.

Mr. *Ferrand* said, he had brought forward these charges in reply to hon. Gentlemen opposite. The hon. Member for Wolverhampton told him a few nights ago that the matter should not be allowed to rest where it was, and he thought the hon. Member would instantly have moved for a select committee to enable him to prove the charges he had made. He was prepared that instant to produce his authorities to the House, or before a select committee, whenever it should be appointed; and he had made up his mind himself to move before Easter for a committee to investigate the whole matter, unless some other hon. Member should do so before Friday next.

Mr. *Villiers* said he had not allowed the matter to rest, having produced to the House the names of upwards of 100 manufacturers who broadly and most unequivocally denied the charge.

Subject at an end.

PARTY CRIMES—(IRELAND.)] Mr. *O'Connell* would take that opportunity of noticing a misrepresentation of his speech on the conduct of General Espartero towards the Spanish clergy, imputing to him the sentiment, that if the cruelties of which he had complained had been visited upon Carlist priests he should care nothing about the matter. He had reprobated the conduct of the present Spanish government equally as applied to the Carlist and Christino clergy as a religious persecution; but he had said that he should not have complained had any Carlist priests been punished according to law for their political offences. He would then proceed in pursuance of the notice he had given, to move for a return of the names, numbers, and descriptions of persons who had registered arms in the county of Down, Ireland. He was induced to make this motion in consequence of a most deplorable event that had occurred in that county, and which must equally be lamented by both sides of the House. He meant the murder of a young man of the name of M'Ardle—one of the most cruel atrocities ever committed. The circumstances of the case were these;—An exceedingly fine youth six feet three inches in stature, and proportionably well made, of most excellent conduct and temper, having been, on Christmas evening, with a friend called M'Kevron. at a public-house at Ballyrany, kept by a man named Copes, a quarrel arose between M'Kevron and an Orangeman, who was also one of the company. M'Ardle interfered, put an end to the quarrel, and took his friend out of the house. A person named Thomas Scott, one of the accused, left Cope's house about the same time as M'Kevron, and proceeded to another public-house three quarters of a mile off, where were assembled a number of young men who were armed, and had been practising with ball cartridge in the neighbourhood. These fellows, who had assumed the ridiculous name of "Yellow Tulips," were drinking in a barn, their arms being piled up in a corner, and when a messenger arrived they took their arms, proceeded to the house where M'Kevron had been, and demanded that he should be turned out. On being informed he was gone, they proceeded to search the house, firing into it, breaking all the doors and windows, and making an indiscriminate attack on such within as were known to be Roman Catholics. M'Ardle, however, escaped to a house distant about a mile, and owned by a man named Ward. Thither they pursued him, and attacked the house where he had taken shelter. He again effected his escape, but before he got a mile further he was overtaken, lying near a lime-kiln, and shot dead. The trial for the murder took place at the last Down assizes, and the result was an immediate acquittal of the parties accused. He did not impute blame where blame did not lie; but that blame rested somewhere was perfectly evident. When the verdict was delivered there was a shout in court, "To hell with the Pope," the usual Orange cry. Although the Attorney-general prosecuted, and the judge charged for conviction strongly, the jury, without hesitation, acquitted the accused; another jury having convicted the very same men of a riot, on the very same occasion. There had been another murder since at Ballyrony, and he had received several letters requesting to know what the people were to do—whether they were to be obliged to protect themselves. He should not dwell one moment on these melancholy facts; but what he complained of was, that the magistrates did not at once prevent such a party from spending Christmas-day in firing ball-cartridges. It was altogether a most indecent occupation. He also complained of the shout in court immediately after the acquittal of the accused; but, without at all entering into these questions, he contented himself now with moving for the return above mentioned.

Lord *Eliot* wished to make a few observations with reference to the lamentable occurrence brought under the attention of the House by the right hon. and learned Gentleman. It was no light matter to impugn the verdict of a jury, especially when the life of a fellow-creature depended upon it; but he did feel himself bound to say, looking at the evidence adduced, the declarations made by the Attorney-general, and the charge of the learned judge, that he was at a loss to conceive on what grounds the prisoner had been acquitted. He could assure the right hon. and learned Gentleman, as well as the House, that his noble Friend at the head of the Irish government had felt the deepest pain on this occasion, not only with respect to the death of this unfortunate man, M'Ardle, but also as the occurrence indicated a continuance of that hateful spirit of party and religious animosity which the Irish Government had hoped was rapidly beginning to subside. He also felt that the result in this case would tend to shake that confidence in the power of the law to punish crime, which it was so essential should prevail among all classes of the country. The right hon. and learned Gentleman had done justice to the Government. So anxious was his noble Friend that the ends of justice should not be frustrated that he directed the principal law-officer of the Crown to proceed to the assizes and conduct the prosecution; and he believed he was justified in saying that his hon. and learned Friend had displayed all that ability, skill, and legal knowledge which so eminently characterised him, at the trial. If the ends of justice, therefore, had been frustrated, the guilt did not lie with the Irish Government. His only hope was, that the jury had taken up some mistaken view of the nature of the evidence brought forward. He entirely agreed with the right hon. and learned Gentleman, that the practice of meeting in large numbers to practice ball-cartridge was extremely reprehensible; but he was not sufficiently acquainted with the law to say whether it were illegal. Of course, if it were so, it might be put down at once; but no doubt it was extremely reprehensible. With regard to the shout which had been uttered in court, he did not know in what way the judge could have interfered to prevent it. All he could do was to proclaim silence, which he had done immediately, and the cry was not repeated. He did not say so with any disrespect to the right hon. and learned Gentleman, or to those who professed his religion and politics, but he believed the fact was, the melancholy occurrence to which he had adverted arose out of a cry raised by a Roman Catholic in the room, "To hell with King William." At the same time, he greatly lamented that the same feeling prevailed to such an extent on both sides.

Mr. *O'Connell* felt bound to say, that the noble Lord was right in stating, tha the murder originated in the exclamation "To hell with King William;" but M'Ardle had silenced the cry and sent the man who uttered it out of the house. The worst of the matter was, that the Orangemen were armed with deadly weapons, while the Catholics were not. He did not know whether they would remain so.

Lord *Eliot* wished further to state, as some objection had been taken to the jury, as entirely composed of Protestants, that the counsel employed by the next of kin made no objection to them whatever when empannelled.

Mr. *O'Connell* said, he had not at all intended to impeach the jury.

Lord *Eliot* had seen the objection to which he had alluded in a newspaper. He had no objection to the motion of the right hon. and learned Gentleman.

The *Speaker*, however, intimated that it was irregular to bring on such a motion by way of amendment to his leaving the chair.

Motion withdrawn, to be renewed after the House should have resumed.

The House resolved itself into a Committee of

Supply—Army Estimates.] Sir *H. Hardinge* said, in presenting the army estimates to the committee, he should proceed to make a general statement of the differences which appeared in the estimates of the present year, as compared with the last; and he should not think it necessary to detain the committee any length of time, because there did not exist many material differences. The number of officers, non-commissioned officers, and rank and file which it was proposed to maintain for the service of the United Kingdom of Great Britain and Ireland (exclusive of the troops employed in the East Indies) for the ensuing year was 95,628. The number employed in the East Indies, and paid by the East India Company, was 26,940; so that the total amount of force for the ensuing year would be 122,568 men. This number was composed of 108,086 rank and file, 5,808 officers, and 8,674 non-commissioned officers. There was, therefore, an addition to the force for this year as compared with last year of 1,447 men. This increase was accounted for in the following manner:—The Royal Canadian regiment amounted to 1,100 men, the St. Helena corps to 430, and there had also been an augmentation of the 3d West India regiment amounting to 230, making a total of 1,760 men in addition to the estimate of last year; but, after deducting about 600 men, which decrease would arise from the working of the dépôts, as explained in the second page of the votes, the real increase appeared to be about 1,100 men. The Royal Canadian regiment, formed in last autumn, consisted of eleven companies, raised by volunteers from different regiments in Canada, and every man had served for fifteen years. The St. Helena corps consisted of five companies, and the men were also enlisted for local service. At the same time precautions had been taken to enlist them for general purposes, in case any necessity should arise to render the transfer of their services desirable. He was not an advocate, generally speaking, for a system by which local corps, formed of Europeans from this country, should be placed on a different footing from other corps in her Majesty's service, but in this instance there were peculiar circumstances which rendered an increase of force necessary, and made a departure from this principle justifiable; and he trusted that these two corps would realize by their services the expectations which had led to their organization. The addition to the 3rd West India regiment was made on a different principle. The 1st and 2nd regiment consisted of ten companies, and were 1,000 men strong. The 3rd only consisted of eight companies. In consequence of this difference, it was thought necessary to increase the latter force, and to make it equal to the others; and it now consisted of ten companies and was 1,000 men strong. The three regiments would equally contribute to send detachments to the western coast of Africa, and while there the companies would recruit for men. It was proposed to augment the number of the officers of each of the three corps by two supernumerary companies; for though the health of the men, when on service on the western coast of Africa, and in their own country, was not liable to be deteriorated, yet the constitution of Europeans was more readily affected. The noble Lord, the Secretary for the Colonial Department, had been impressed with the humanity and policy of making such an addition as was proposed, and the commander-in-chief had acquiesced in it. The effect of the arrangement would be this: that whenever an officer had served eighteen months on the western coast of Africa, he would, before his return to the West Indies, be allowed a year's leave of absence, in England to recruit his constitution. The greater portion of these three West India regiments remaining in the West Indies would supply the garrisons as far as their numbers would allow. In Jamaica it was intended that 800 men belonging to them should be stationed, occupying the barracks in the lower parts of the island; and two battalions only of British troops would for the future remain in that island. Arrangements, which were in progress while the noble Lord the late Secretary for the Colonial Department was in office, were now made, according to which a battalion of six companies would be kept at Newcastle, in the mountains overhanging Kingston. This would tend greatly to benefit the health of the troops, who would always be available to march to the scene of action, should unfortunately any necessity arise for their services in that way. In future, therefore, the black troops, who did not suffer from being stationed on the low ground, would occupy all the posts on the coasts, which were the least healthy, and the European regiments would be placed in more healthy positions. The next point to which he wished to call the attention of the committee was the memorandum inserted in the second page of the estimates. It was proposed to add to each of six dépôts of regiments, consisting at present of four companies, two companies of officers, by which the dépôts would be increased to six companies each, and 600 men rank and file, and be of the same strength as the six service companies. The force of the army he had already stated to be 122,000 men. In 1830, when he last presented the army estimates to the House, it was much under this number. Lord Grey raised the force to the full establishment, which was again reduced in 1834 under Lord Melbourne, and in 1838 it was again raised. He mentioned these facts for the purpose of observing that there had been an augmentation of the force for the last four years, without an increase of officers. The pressure on the troops for the last four years had been such, that he thought it necessary that means should be devised for relieving them. There were fifty battalions of infantry abroad, in addition to twenty-eight in New South Wales, in India, and in China. The total number was 103, including only twenty-five at home. It was impossible that the twenty-five at home could carry on the relief of the seventy-eight abroad, forty-two of which were serving in tropical climates. When the revolution in Canada broke out, in 1837, there were only nine battalions, 4,500 men strong, in North America, and now nineteen were there, exclusive of two battalions of Guards, and the Royal Canadian regiment, 1,000 men strong. In India, New South Wales, and China, there were now twenty-eight battalions instead of twenty-five. This was an increase of fourteen battalions more than existed four years ago. Looking, therefore, to the state of reliefs, the committee would, doubtless, be of opinion, that it was necessary by some expedient to remedy this state of things. He, therefore, proposed to the Government that six of the dépôts should be increased to six companies of 100 men each, and that they should be sent abroad to six healthy stations; for instance—to Gibraltar, Bermuda, Halifax, or Quebec, or the Mediterranean, and that there they should take the garrison duty, the same as the service companies. A battalion of that kind, performing garrison duty, would in a short time be as efficient as any other. He therefore proposed that six of these dépôts should be converted into second battalions, and sent to foreign stations, where they might relieve regiments which had been abroad for a period exceeding ten years. The effect of this arrangement would be, that instead of there being only twenty-five battalions at home in the ensuing year, there would be thirty-one; and in case of any demand arising for the services of the six battalions at home, which were the first on the list for foreign service, they would be found in a perfect state of discipline, and ready for duty. The expense of this arrangement was estimated at 63,000*l.*; and in order to meet that expenditure, it was proposed that fifty other battalions not employed either in the East Indies or North America, should be reduced by six men a company. This would occasion a reduction of 3,000 men from the other battalions, and a diminution in expense of 61,000*l.* There would thus remain a balance of expence of 2,000*l.* or 3,000*l.* To meet, however, the expense which was generally incurred at the first working of a new system, it was proposed to take a vote of 9,000*l.* for the present year. The total amount of the charge for 95,628 men in the present year, for which a vote was asked, was 3,581,575*l.* This was an increase, as compared with the last year, of upwards of 70,000*l.*, but was accounted for by the fact of the organization of the Royal Canadian regiment, the St. Helena corps, the augmentation of the 3rd West-India regiment, and the augmentation of the dépôt companies. The amount required to cover the money payable for good conduct amounted to 10,067*l.* There were 4,648 men in the receipt of this money, and he was glad to say, that the number was progressive. In addition to these, there were 7,000 men receiving marks for good conduct, making the total number receiving additional pay or wages for good conduct, 12,000. The vote for libraries was 2,550*l.* The soldiers subscribed 1*d.* a month to them, and their establishment had occasioned the greatest possible good both at home and abroad. The amount of subscriptions was 500*l.*, and fifty libraries had been established. The total amount required for the staff was 166,922*l.*, being a decrease of 527*l.*, on account of the deputy-adjutant and quarter-master-general in Dublin having ceased to receive certain emoluments. On the head of " Public Departments," there was an increase of 2,652*l.*, 1,140*l.* being owing to length of service, and the rest to postage. The charge for the Royal Military College was 18,000*l.*, but the whole expense of that establishment did not fall on the public, inasmuch as the relations of the students contributed to their education. 530*l.* were required in consequence of some damage done to the building. The vote for the Royal Asylum at Chelsea and the Hibernian School amounted to 15,606*l.* The number of boys at the asylum amounted to 370. In the vote for the volunteer corps there was an increase of 192*l.*, and the increase in the whole effective service amounted to upwards of 70,000*l.* The next division of the estimates related to the non-effective service. The first vote was for distinguished services, and amounted to 15,280*l.* There was a decrease on this head of 500*l.* The vote for the army pay of general officers amounted to 98,000*l.* There was a large increase over the vote of last year under this head, of 13,000*l.*, which was occasioned by the late brevet. 61 colonels had been promoted to major-generals. He did not know whether it was necessary for him to enter into details with respect to this matter. In 1815 the number of general officers, including colonels of regiments, amounted to 555, and their pay to 191,000*l.* In 1842 the number of general officers was 370, and the charge to the country 98,000*l.*, being a decrease, as compared with 1815, of 185 general officers, and of 93,000*l.* a-year in expense. The vote for retired allowances was 66,000*l.*, being a decrease on the vote of last year of 1,500*l.* The next vote was for half-pay and military allowances, 477,618*l.*; the number 4,299. Last year the sum for this purpose was 497,000*l.*, and the number 4,500—showing a diminution this year, as compared with the last, in the number of 201; and also a decrease of 19,382*l.* The next vote was for foreign half-pay. The number this year was 501, last year 524—being a diminution this year in the number of 23. This year the sum required was 58,433*l.*; last year it was 60,608*l.*—being a diminution this year of 2,175*l.* The next vote was for widows' pensions, 141,817*l.* Last year the sum required for this purpose was 141,372*l.*—being an increase this year of 445*l.* The next vote was for compassionate allowances. The amount required this year was 120,500*l.* Last year the sum required was 124,000*l.*, being a diminution this year to the amount of 3,500*l.* At page 83 of the estimates would be found an item of 10,000*l.* which was required this year, as it had been last year, to enable the War-office to make some different arrangements with respect to the organization and payment of the out-pensioners. This arrangement was to be tried first in Scotland, and if it succeeded, then it would be carried into effect in England and Ireland. The sum of 1,259,104*l.* would be required for the in-pensioners of Chelsea and Kilmainham hospitals, and for the out-pensioners of Chelsea Hospital. The number was this year 74,709. Last year the sum appropriated to this purpose was 1,286,465*l.*, and the number 76,120, showing a diminution this year, as compared with last, in the number of 1,411, and also a diminution in amount to the extent of 27,361*l.* The next vote was for superannuation allowances. The sum required this year was 41,455*l.* Last year it was 43,345*l.*, showing a diminution this year, as compared with last, to the amount of 1,890*l.* The total amount for effective services required this year was, 4,887,700*l.* Last year it was 4,870,476*l.*, showing an increase this year, compared with last, of 17,224*l.* He thought it unnecessary to enter into any further explanations. He assured the House that every regard to economy had been had in the preparation of the estimates, and he hoped the committee would agree to the votes which had been proposed. At the same time that he mentioned that the Government had paid every regard to economy, he begged to be understood as meaning a really judicious economy; for he thought, and he believed the House would think so too, that efficiency was true economy. Under these circumstances, then, he trusted that the House would agree to the vote, that a number of men not exceeding 95,628 be granted to her Majesty's service.

Viscount *Howick* felt no objection to the vote which had been proposed. On the contrary, he thought the amount required was quite necessary. He should make but few observations, for he had not had an opportunity of examining the report so carefully as he should have done. There were, however, one or two points in the statement of the right hon. and gallant Member on which he would offer some remark. First, the right hon. and gallant Officer had detailed some particulars with reference to the organization of local corps. The right hon. and gallant Officer had admitted, that he entertained an objection to the organization of men for merely local service, and in this opinion he concurred. At the same time he thought with the right hon. and gallant Officer, that the case of the Canadian and St. Helena corps formed just exceptions. The arrangements which had been proposed with respect to the East-Indian regiments, had given him great pleasure. He had no doubt such an arrangement would be found to be consistent with good policy, and that it would have a tendency to arrest that frightful mortality which had so long prevailed among our East-Indian troops. The increased number of officers which the right hon. and gallant Officer proposed, would admit of a longer leave of absence being granted to the officers of regiments stationed in those parts. He begged to ask the right hon. and gallant Officer, whether any plan had been resolved on with a view to the improvement of the barracks in our other East-Indian settlements. The right hon. and gallant Officer, was fully cognizant of the subject on which he asked for information. The right hon. and gallant Officer had truly said, efficiency in military matters was true economy, and he hoped that no feelings of false economy would induce the House to perpetuate those miseries among our brave soldiers, which they had endured during the last thirty-five years from defective barracks. He would next ask a question, and would by no means affect to discuss the question, with respect to the proposition made by the right hon. and gallant Officer as to the increase of six battalions and the reduction of other branches. He wished to know whether, in consequence of these reductions, the emoluments of all the colonels were to be increased, or whether the off-reckonings were to go entirely to some half-dozen favoured colonels. He would avoid going into the question as to the policy of keeping up what was known as the dépôt system, because he thought this subject could be with greater propriety dealt with by the whole House. The right hon. and gallant Officer had observed, that fifty libraries had been established, an announcement which he was most happy to hear. He believed, also, that the right hon. and gallant Officer had said, that the soldiers had generally shown a disposition to avail themselves of this scheme. There was one inconvenience which he hoped endeavours would be made to remedy, which was extremely unpopular in the army, and that was the liability of the soldiers to barrack damages. There was only one other point on which he would detain the attention of the House, and that was with reference to the new system of paying the Chelsea pensioners. Some attempt to effect an improvement he was glad to find had been thought necessary, and he agreed with the right hon. and gallant Officer that it was expedient to try the scheme first in Scotland, and if it should succeed there, then that it should be carried out in England and Ireland. He was of opinion that the vote proposed was satisfactory, and he thought the House ought not to object to it.

Lord *A. Lennox* was glad that an increase had taken place in the number of men proposed in the present estimate; and he only had to regret that the increase had not been more extensive. Whether he considered our affairs in China, the present unsettled state of France, or whether he viewed the aspect of America, he thought the country would not long enjoy the blessing of peace. He felt on this account, therefore, an objection to the lowness of the present estimate; and another reason he had for considering the estimate too low was, that he believed that the different corps would not be relieved so often as the right hon. and gallant Officer had imagined. On the subject of retiring pensions he had an observation to offer. He need not remind the House, that by the existing warrant, a man must be enlisted twenty-five years before he could receive a retiring pension of 6*d.* a-day. He put it, therefore, to the House and to the right hon. and gallant Officer, whether it was likely that good men would enlist, when it was necessary that they should have served for so long a period, probably exposed to the influence of unwholesome climates during much of that period, before they could receive the miserable pittance of 3*s.* 6*d.* a week. It should also be recollected that these men became, from causes which operated on them in their military career, quite unable to gain their livelihood in any other way. He would, however, leave the matter in the hands of the gallant Officer, satisfied that so distinguished a Member of the same profession would do justice to the claims he had endeavoured to advocate. There was only one more question he had to ask, and that was, what was to become of the 400 sets of accoutrements which the new regulations would throw out of use. He begged, in conclusion, to suggest, whether some increase might not take place in the pay of the lance corporals and the lance serjeants. It was well known that these non-commissioned officers received no more pay than the common men, though the serjeants had to make reports, which occasioned them an outlay for different articles of stationery in order to prepare those reports. He suggested that 1*d.* a-day should be added to the pay of the lance corporals and 3*d.* a-day to the pay of the lance serjeants. He begged to thank the House for the attention they had given him while making these remarks.

Mr. *Macaulay* objected to the arrangements which were proposed to be madein reference to the colonels of these six regiments, by which their present rate of emoluments would be greatly increased. After what the right hon. Gentleman (Sir H. Hardinge) and his noble Friend (Lord Howick) had said, he (Mr. Macaulay) had scarcely anything to add, except that he did not agree in his noble Friend's prognostication with respect to Canada. He did not mean to assert that he was confident of success, but that he conceived they had a better chance under the present system than with a corps composed of men half soldiers half civilians, whom he thought must be found bad soldiers. He had another question to ask, which he thought of great importance. At the time, he (Mr. Macaulay) left the board, he was engaged in attempting to effect some change with respect to the lunatic asylum at Chatham, which he believed was in a state disgraceful to the country, and absolutely shocking to humanity. He felt assured that the right hon. Gentleman had not forgotten the subject, but it would be a great satisfaction to him to be informed so by the right hon. Gentleman. With respect to the Chelsea pensions, it appeared to him that a complete re-organization was necessary, but he was quite satisfied with the observations of the right hon. Gentleman, and thought that in first trying the experiment in Scotland, he (Sir H. Hardinge) was exercising a sound discretion.

Sir *H. Hardinge* assured the right hon. Gentleman, that the subject of the Lunatic Asylum at Chatham had not escaped his observation. In consequence of having read the reports upon the subject, he requested the quarter-master-general to go down and inspect the asylum, and to take with him all the preceding reports; and he was sorry to say, that, the quarter-master-general's report entirely confirmed all preceding reports on the state of the institution. He, therefore, entirely concurred in the necessity of making, as soon as possible, an entire change in the state of those unfortunate individuals, among whom were gentlemen as well as private soldiers. With regard to other observations, he wished that, when the proposed arrangement regarding the augmentation of the dépôts was carried into effect it had been possible to make any other arrangement with respect to the emoluments of the colonels. The uniform custom, upon reducing a regiment on its return from India to England, was proportionably to diminish the emoluments of the colonels; but this being a case in which the number of men was augmented for the public convenience, the emoluments could not fairly be reduced in proportion. The arrangement had been made for the purpose of meeting the extra service now going on in the colonies, but he hoped that the number of men in the East Indies and North America might in a short time be diminished, and the service carried on as in 1825, for he maintained that the ordinary peace establishment of 1825, under the Duke of Wellington, of 103 battalions, was a sufficient force for the ordinary circumstances of the country in time of peace. He was persuaded, that by this arrangement they would be able, if necessary, to send more than six battalions in the most perfect state of discipline to any part of the globe, as often as they might be required. The noble Viscount (Viscount Howick) had hinted that his plan of dépôts would have answered all the purposes of the present plan, but he (Sir H. Hardinge) did not think it would have had the same effect in affording relief. That plan had been fairly laid before the Government of which the noble Lord had been a Member, and referred by them to the Duke of Wellington, who also differed from the noble Lord respecting it, in which opinion he believed the noble Lord (Lord J. Russell), and the Commander-in-Chief concurred. The noble Lord had also adverted to what he termed the disgraceful state of the barracks in the West Indies. He would rather that expression had been made to the committee at the time the Ordnance estimates were before them; but he must remind the noble Lord, that in 1840, in consequence of the noble Lord having moved for papers on the subject, he had asked the present Lord Vivian, then Master-general of the Ordnance, whether there was any foundation for that report, and that the Master-general of the Ordnance stated in his place in that House, that the barracks were in an admirable state, and that he was ready to meet the noble Lord upon the subject whenever he thought proper. The noble Lord did not recur to the subject in 1841, when Lord Vivian was present, but he could assure the House that all he had said upon the subject was directly opposed to the description of the noble Lord. With respect to the observation of the noble Lord (Lord A. Lennox) respecting the accoutrements of the battalions, he had only to say they would be disposed of in the same manner as those of regiments returning from India.

Lord *J. Russell* said, he did not object in any way to the vote proposed by the right hon. Gentleman, and should confine his observations simply to one or two points. With respect to the greatest novelty in the estimates of this year, namely, that of having two additional battalions, the plan of Lord Vivian was communicated to the Duke of Wellington, who stated that they would lose by it the advantage of depôt companies, which, by keeping a certain portion of officers and recruits to be drilled, was of greater advantage than keeping regiments abroad and sending out recruits to them. This statement being made by such eminent authority, he bowed to it, however superior, to his own mind, a different plan might be; but then the plan of the right hon. Gentleman abandoned the system of dépôt companies, and whatever advantage there might be in it, he thought it could not be denied, that with respect to this arrangement, it was entirely disregarded. He would not enter into a controversy which plan would be the best, feeling sure, that on a question of this nature the opinion of the right hon. Gentleman was entitled to have great authority. He was glad to hear that there was to be only two battalions in Jamaica, and that they were to have a new barracks there, being decidedly of opinion that nothing was more advisable in every respect than that the troops should be placed in the healthiest situation possible. On the whole, he considered these estimates had been communicated to the House with all the ability and information that might have been expected from so distinguished an officer as the right hon. Gentleman.

Sir *H. Hardinge* said, that he understood the opinion of the Duke of Wellington and the Commander-in-Chief to be, that these dépôts could be kept up by the introduction of men at home and abroad, but that, if necessary, these troops might be further augmented so as to become second battalions.

Viscount *Howick* said, that the Duke of Wellington referred only to a time of war.

Mr. *Williams* wished to know how far the China contingencies were included in these estimates?

Sir *H. Hardinge* said, they were not at all in the present estimates, but would, under the head of "Army Extraordinaries," be hereafter matter of arrangement.

Mr. *Williams* would like to have a rough estimate of their probable amount.

Sir *H. Hardinge:* it was impossible to give any such calculation.

Mr. *Williams* thought, that the unanimity prevailing between the two great parties on the subject of estimates was not by any means matter for congratulation or of credit. He was strongly persuaded that the ways and means ought to be settled prior to the proposal of the estimates. Were this plan adopted, expenses would not so often exceed the revenue. Last year the expenditure exceeded the receipts by 2,500,000*l.* nearly. The numbers on the home army establishment were, by some thousands, greater at the present period than they had been some years ago. Looking at the vast increase of the army, as compared with former years, he felt bound to say, that he saw nothing in the present circumstances of the country to warrant the vast increase which her Majesty's Government had proposed, and, acting under the influence of this strong conviction, he should move that the number of 95,600 men be reduced to 84,000, unless he received an assurance that some portion of that force was to be employed in the Chinese war. No doubt that war was an event much to be deplored, but, being engaged in it, he thought that the more efficiently it was carried on, the sooner it would be brought to a close; if, therefore, he received the information to which he had just alluded, he should not persist in his opposition to the present vote. He thought the House had reason to complain not only of the number of men composing the army, but of the amount of the half-pay, which came to no less a sum than 2,264,000*l.* Now, it was rather hard, after twenty-four years of peace, that the half-pay and allowances,—namely, the whole retired list, should have cost the country such a sum as he had just mentioned. In the half-pay he thought the officers the most objectionable portion. There were 5,880 officers; if they took from that number 385 officers, who from one cause or other remained on full pay, and 504 foreign officers, it would bring the officers on full and on half-pay to pretty nearly equal numbers. The captains on half-pay were 1,187, the lieutenants on full pay were 1,868, while those on half-pay were 1,461, and it was well known, that a large portion of the captains had served but a short time. Then he could not help calling the attention of the House to the late promotions, which advanced so many to the rank of general officers without any imaginable necessity for laying upon the country such a burden—no recent occurrences appeared to render it at all necessary. There were 452 general officers on the list, which was in the proportion of four general officers to one regiment of the line, and leaving some to spare. To him it appeared that so many general officers were not necessary for the command of the army. The United States of America possessed an army of 12,500 men, but they had only three general officers, one major-general, and two brigadiers. On the pension-list there were 1,209 widows; respecting them he wished to know whether their pensions were granted them on special representations being made, or whether the widows of officers received their pensions according to the ranks of their deceased husbands; but, at all events, he thought that the number of widows' pensions could not be justified upon any principle. Those widows cost the country 371,000*l.*, a sum far exceeding what he thought the necessity of the case required. He was quite aware that this was an unpleasant topic to Gentlemen belonging to the army, of whom there were many in that House—indeed, he regretted that they were so numerous. With regard to the estimates generally he should say, that if anything like economy had been practised, a great reduction might have been effected without injury to the public service. It was quite unnecessary, for example, that so many officers should be allowed to retire on half-pay at so early an age as was the practice of the British army. The fact was, that the army had been made too desirable a profession, and if stricter economy were observed, men who now went into the army would find occupation for themselves in other pursuits. The next portion of these estimates to which he thought it necessary to direct attention was the expense of the household troops—most properly called household troops, for they were purely an appendage of royalty; but the country felt them to be a very costly appendage. The Horse Guards cost the country at the rate of 85,000*l.*, which was 24,000*l.* more than any other regiments cost. Then the Foot Guards cost 39,818*l.* more than any equal portion of the army. On the whole, then, those household troops cost 63,918*l.* more than any other body of soldiers equal in number; and it was worthy of observation, that those troops never left the country to serve abroad, except in the year 1815. [*An hon. Member:* "They served in Spain."] That was before 1815; since 1815 they had never served abroad. This portion of the army had three colonels, at 1,800*l.* each, while twelve other regiments in the service had their colonels at 900*l.* The pay of the Horse Guards was 1*s.* 11½*d.*, that of the Foot Guards was 1*s.* 1*d.* while other regiments of cavalry received only 1*s.* 3*d.*, and other infantry only 1*s.* There was one other vote of which he wished more particularly to complain—it was a sum of 82,458*l.* for the yeomanry. There was now no danger of invasion, and no force could be more objectionable for quelling disturbances than were the yeomanry. In Ireland the disuse of that force had greatly tended to tranquillise the country. In conclusion, he said he should divide the House, unless he received an assurance that a considerable portion of the force was to be employed in China.

Sir *H. Douglas* said, he was not surprised that hon. Members on the other side of the House had raised no objection to the votes proposed by his right hon. Friend, for that which he did the late Ministry ought to have done on a much larger scale. Our military force ought to have been increased when the war broke out in Canada, and it ought to have been further increased when those hostilities commenced in the East, the issue of which they had yet to learn. At the breaking out of the Canadian rebellion, two regiments were removed from the Ionian Islands, to the great inconvenience of the public service. Looking to the Chinese war, and to what had taken place in the East since its commencement, he must say, that for many years past, and most particularly from the time of the Canadian rebellion, the strength of the British army had never been equal to the work it had to perform. It had been utterly insufficient, not only for ordinary relief, but to enable officers abroad to carry on warlike operations in a proper manner; and it was now utterly insufficient to retrieve any great disaster that might happen, which God forbid! For want of a sufficient force, the officers engaged in Affghanistan had been prevented from carrying on the war as they would have done; otherwise they would not have undertaken great operations along an immense line of country without making good that progress step by step, and establishing dépôts in every important part, for the purposes of conveying intelligence and supplies, and of making all safe and secure in case of any unforeseen disaster, so that the forces could retreat from the first post to the second, and so on as far as necessary, falling back, not upon weakness, but upon strength. He charged that insufficiency upon those whose duty it was at the time to make ample provision for every contingency, and not to have left officers exposed to defeat, and to the necessity of deviating from the first rules of the service. He therefore thanked his right hon. Friend for having increased her Majesty's forces. But that ought to have been done long ago. It was now imperatively necessary to look well to our extended empire, and to increase our forces, not by expedients, but by large and regular means. Look at India! The Queen's troops there were reckoned at twenty-two battalions, at the very moment when some were called away to China, and others to Affghanistan! What were twenty-two battalions for India proper? And where were they now? Nine and a half only were in India; some were sent to Affghanistan, some to Cabul, and some to Jellalabad. He trusted, that no new disaster would befal the British troops in those parts; but, should such an event take place, not only would the physical results be most distressing, but the moral effect must be most mischievous to the honour and welfare of this country; and here again, he must cast all the responsibility of such a state of things upon those who, when it was their duty to prepare the necessary supplies, failed to do so. Returning now to that degree of comfort which ought to be provided for the British soldier, he would state, that when he arrived at the Ionian Islands, he found but one military chaplain there; and on visiting the hospitals, he heard the dying soldiers calling for spiritual aid and comfort in their last moments. He applied to the noble Lord, the Member for Sunderland, who was then Secretary at War, and the noble Lord appointed another chaplain, and also three Roman Catholic chaplains, though he had recommended the noble Lord to appoint four. An alteration for the better was visible amongst the military; many of them were to be seen sitting in the guard-rooms reading, and he knew, from observation, that those who took to their books forsook baneful habits and pursuits, and became moral men, and consequently orderly and good soldiers. He wished his right hon. Friend would take another step with a view to introduce into the army those institutions which had proved so beneficial among civilians—he meant saving-banks. When he was Governor of New Brunswick, many years ago, he established saving-banks, in which the military deposited their savings, not as soldiers, but as private persons, and in a very short time, their deposits amounted to 500*l.*, while provident habits and temperance and general good conduct prevailed more extensively amongst the men. In the course of service, however, the regiment was called elsewhere; there being no mode of remitting deposits, it was necessary to return the men their money, and the consequence was, that, though some gave their savings to superior officers, or the paymaster, to take care of for them, others fell into great irregularities, spending their money foolishly, and courts-martial followed their misconduct. Thus they were thrown back in the path of good behaviour, merely through the absence of a regimental saving-bank. His experience in this matter was similar in the Ionian Isles. The gallant Commodore, the Member for Marylebone, after having pleaded so warmly the other night against the reduction of the complement of men in the naval service, would surely support the same view of the case of the army, and not wish to decrease the comforts or injure the health of the soldier. He quite agreed with the gallant Commodore in what he had said upon that subject, though he would not follow him to the length of saying that, in consequence of the deficiency in the complement of men for the Mediterranean fleet, if the French had come down upon the British, they would have been defeated. He thought the practice of the gallant Commodore would in such a case have been directly at variance with his observations in that House and that he would have shown the enemy from the quarter-deck of the Powerful, that he was not acting under the influence of the opinions he had expressed here. Indeed, he was firmly of opinion, considering the skill of the British, not only in regard to seamanship, but in gunnery, and their dauntless courage, that even had the fleet been diminished still more in its complement of men, the French would not have beaten them, had they tried.

Sir *C. Napier* did not wish it to go forth to the whole country, that he had led the hon. and gallant Gentleman, or that House, or the world, to believe that the British navy would not have done their duty, and have done it well, had they been brought into action with an enemy. But he would tell the House of Commons again, and he would have the whole country know it, that he most conscientiously and firmly believed that if the British navy had come into contact with the French after they began their operations in Syria, and got sickly, and that if they had done their duty to the utmost of their power, they would have been defeated. It was not right nor proper to despise an enemy too much. The French had made such progress in gunnery, and equipment, and seamanship, that they commanded respect. They ought to remember that America was once despised, and that at a time when there was a civilian at the head of the navy an inefficient fleet was sent out, and the result was, that the British flag was tarnished. He warned the Government against pursuing a like course in these days.

Sir *E. Troubridge* regretted much to hear the observations which had been just made by the gallant Commodore in respect to a question understood to be the same that had been discussed on a former evening—namely, as to whether or not the British fleet in the Mediterranean would have been defeated had it encountered the French under the circumstances described. Now, he never could concur in the idea entertained by the gallant Commodore, and he would boldly say, that the commander-in-chief of that fleet never did concur in any such idea. He knew that at the time there were in the Mediterranean 750 supernumerary marines, who would have been on shipboard had it been considered necessary; and he would further say boldly, and without fear of contradiction, that the result of an action with the French fleet would have been quite different from that stated by the gallant Commodore. He had not expected to speak on this subject; he was sorry that he was out of the House just at the commencement of the present discussion; but he could not come in and hear even the few sentences he had heard from his gallant Friend—for he was sure that he might venture to call him so—without rising to say that his notion of a British fleet being defeated was most extraordinary. He was grievously sorry the other night when he heard so many British officers in that House not upholding the service, but doing the very reverse. He should have spoken on that occasion, but he gave way to some hon. Gentlemen, and he must say now, that he should never regret having taken no part in that debate, for it did no credit to the British navy. Many observations that were made were doubtless well meant, but they were both ill-judged and ill-timed. He felt that to go into the question, whether a civilian or a naval man should be first Lord of the Admiralty, would be out of place now, and he would leave that and other points which had been touched upon until a future opportunity.

Sir *C. Napier* rose to explain. The gallant Officer was mistaken. When he was in command at Sidon they received 250 marines only, and they were not enough to make up the deficiency caused by sickness. They were 100 men short of their complement, and had 134 sick. He maintained, that if the French fleet with 800 or 900 men had come down upon them, to such a pitch had they carried gunnery, that at the first broadside 100 men would have been knocked off, and where would the British have been then? The gallant Officer did not know what it was to be beaten, but he did. He fought a French ship once in the West Indies, and had his leg broken, and his mainmast knocked away; and had the enemy stuck to him, he should have been a dead man.

Captain *Layard* thought 6*d*. a day after twenty-five years' hard service not a sufficient pension for soldiers, but he believed that the right hon. Gentleman, who was a friend to soldiers, would increase it, were he able. He wished, however, to ask the right hon. Gentleman, if there was an intention of altering the system under which soldiers obtained their discharge. According to the present regulations the prices paid for a discharge were as follows:—

Service	Cavalry. £	Infantry. £
Under 7 years	30	25
.. 10 ..	25	13
.. 11 ..	21	15
.. 12 ..	15	10
.. 14 ..	12	5
.. 15 ..	6	Free.

He believed, that if the prices of a discharge were diminished, men would be less reluctant to enter the army, and the friends of many would be willing to let them remain for a time before they bought them off, in order that they might enjoy the advantageous results of a course of discipline which was calculated to reclaim the idle and dissolute, and make them eventually good members of society. He thought the present regulations unjust to the old subalterns, and put it to gallant Gentlemen in the House whether there was a class of men more deserving of consideration. He agreed with what had fallen from the hon. and gallant Officer with respect to the necessity of increasing our troops in India; but he should have mentioned the Burmese, who, if any fresh disaster should happen to the British, which God forbid! would, he believed, also attack them.

Sir *H. Hardinge* wished to say, in reply to the observations of the gallant Officer opposite (Captain Layard) upon the subject of discharges, that in 1829 he introduced the system of allowing soldiers to obtain their discharge at a price in proportion to their length of service; and although it was feared by many officers that the plan would very much disturb the regiments of the line, it was found to operate most beneficially. Questions like that under the consideration of the House ought to be considered in connexion with the finances of the country. Speaking from the experience of the last ten years, he must confess, that he agreed with the gallant Officer, that perhaps a shorter period of service might be advantageously introduced. The question was deserving of the consideration of her Majesty's Government. With reference to what had been stated on the subject of the warrant of 1829, he must observe, that he still adhered to the opinion which he had repeatedly urged to the House on that subject. When he brought forward that warrant in 1829, it was submitted to the Duke of Wellington's Government, and it received his approbation, as well as the approval of distinguished military authorities. The hon. Member for Coventry stated to the House, that it was not his wish to press his motion to a division, provided the Government assured the hon. Gentleman that a large portion of the force was destined for service in China, and the East-Indies. There was already a very large British force in that country, a larger force than had been there at any previous period—seven battalions alone were destined for that part of the country. With regard to the half-pay of the army, a considerable reduction had been made since the period to which the hon. Member referred. The reduction had been 6,000 out of 17,426 on the half-pay list. He could, if it were necessary, go through the individual items and figures to which the attention of the hon. Member for Coventry had been directed, and answer satisfactorily any objections which he had brought against them; but, were he to do so, much of the valuable time of the House would be unnecessarily occupied. There had been considerable reduction in the number of half-pay lieutenants; great difficulty was experienced in inducing lieutenants who had been on half-pay to return to active duty, as nearly half a century had elapsed since the last war. Since that period 6,709 officers had paid the debt of nature, and were no longer a charge upon the public. He thought that this statement ought to sufficiently satisfy the economical appetite of the hon. Member for Coventry. It should also be recollected that many regiments had served fifteen, seventeen, and twenty years in India.

Viscount *Howick* was pleased to hear the hon. and gallant Officer state, that a question of this character ought to be viewed in relation to the financial condition of the country. He was glad to perceive, since the hon. and gallant Officer had left that (the Opposition) side of the House, that his views on such subjects had undergone some modification, and that he now thought it necessary to view, in connexion with them, the state of the public finances. He wished to refer to the state of the barrack department in the West Indies. During last year no discussion on this subject took place when the Ordnance estimates were under the consideration of the House. He had not anticipated that Lord Vivian would cease to belong to the House, for he had intended to bring the subject connected with the state of the barracks in the West Indies before the attention of Parliament, but was prevented by circumstances, which it was not necessary for him to explain, from doing so. He had no wish to cast imputation on Lord Vivian, for the question to which he had alluded was one of many years standing.

Sir *H. Hardinge*, in explanation, stated, that the noble Lord who had just addressed the House had misunderstood what he had said. His opinions had not, as the noble Lord had represented, undergone any alteration since he had arrived at that (the Ministerial) side of the House. According to the warrant of 1829 the pension was to be 6*d.* per day, the period of service was to be twenty-five instead of twenty-one years, and that arrangement was submitted to the highest authorities, and had been approved of. He was satisfied that a great modification must take place in the existing warrant; and, although he was not then prepared to state what he considered ought to be the alteration, he hoped that before the next year's estimates were laid upon the Table, he would be able to submit to the House a motion on the subject which would be satisfactory to the noble Lord.

Lord *J. Russell* observed, that he hoped hon. Members would not fall into the error of believing that the soldier after twenty years service was entitled to a pension. He had received several letters from colonels in the command of regiments in which complaints were made that a proper distinction was not made between deserving and undeserving soldiers, and that the latter often received as much pension as the former.

Mr. *O'Connell* wished to detain the House for one moment. He was pleased to hear what fell from the hon. and gallant Officer opposite, with reference to the administration of religious instruction to the troops stationed at the Ionian Islands during the period the hon. and gallant Member held an official appointment there. He understood that after an application to the noble Lord (Lord Howick), three Catholic chaplains were sent from this country to the Ionian Islands, and he could not but compliment the noble Lord on the promptitude with which he had complied with the hon. and gallant Officer's request. It was his intention to bring the subject connected with the communication of religious instruction to the Catholic soldiers serving in her Majesty's forces in other parts of the country under the notice of Parliament. The hon. Member then proceeded to make some allusions to the influence of party spirit in the army, and stated, that during the late disturbances in Canada he was pleased to perceive the absence of all such feelings. As he was informed that there was to be no recruiting in Canada, and that the officers were to be sent from this country, he would not occupy the time of the House by any additional observations on that part of the subject.

Vote agreed to.

On the question, that the sum of 3,581,575*l.* be granted for her Majesty's land forces at home and abroad, exclusive of India,

Mr. *Williams* moved as an amendment that the vote should be reduced 63,580*l.*, being the difference between the sums paid to an equal number of soldiers of the line, and of the Guards.

Sir *H. Hardinge* said, that question had been discussed for twenty years by committees of the House of Commons, framed upon what were termed liberal principles, and it had been found that this corps, in addition to the duty of attending the Sovereign, performed the general duties of the metropolis in a superior manner. A residence in London was more expensive than one in country quarters, and there were various circumstances that should be taken into consideration, and which rendered it necessary that those troops should have some additional pay. He had heard with surprise the assertion that the officers were highly paid, when it was notorious that the junior officers gave their services to the public almost for nothing. There was no body of troops who had performed their duty better than the guards. Two battalions of them were now in Canada, and there was scarcely any European service, requiring highly efficient performance, for which the Horse-guards would not employ her Majesty's guards.

Colonel *Rawdon* said, the difference between an ensign's pay in the guards and one in the line was only 3*d.* a-day. When an officer lived in London in lodgings, at his own cost, and was without the advantage of a mess, his expenses were greater, and he was sure the committee would not think the difference too great when all circumstances were taken into consideration. He believed that the lieutenants in the guards received a difference of 10*d.* a-day as compared with the pay of lieutenants in the line; but the same remarks applied to the lieutenants as to the ensigns of the guards; and in his estimation, considering the circumstances he had mentioned, the additional pay of officers in this branch of the service was by no means too great.

Colonel *Thomas Wood* concurred with the gallant Officer who had just spoken. Whatever advantages the officers and men of the guards might possess, they were well earned and well deserved. It would not become him to institute a comparison between the guards and other regiments of the service; but this he might remark, that her Majesty's household troops were as good (and that was saying much) and as efficient as any branch of the British army.

Mr. *Williams* had offered no opinion as to whether the pay of the guards was too much or too little. He had merely pointed out the difference in their pay as compared with the rest of the army, and conceiving that there was no sufficient ground for such a difference, he felt it his duty to take the sense of the committee upon it.

The committee divided on the amendment:—Ayes, 12; Noes, 144:—Majority, 132.

List of the AYES.

Blewitt, R. J.
Brotherton, J.
Buller, C.
Cobden, R.
Curteis, H. B.
Fielden, J.
Morris, D.
O'Connell, D.
O'Connell, J.
Villiers, hn. C. P.
Wawn, J. T.
Wood, B.

TELLERS.

Bowring, Dr.
Williams, W.

List of the NOES.

Acland, T. D.
Acton, Col.
Antrobus, E.
Arkwright, G.
Bailey, J., jun.
Baird, W.
Baring, hon. W. B.
Barneby, J.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bentinck, Lord G.
Berkeley, hon. C.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.
Busfield, W.
Campbell, A.
Carnegie, hon. Capt.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Ferrand, W. B.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Capt.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Grogan, E.
Halford, H.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Harris, J. Q.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, A.
Hope, G. W.
Howard, hn. C. W. G.
Humphery, Mr. Ald.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnson, W. G.
Johnstone, A.
Johnstone, Sir J.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, F. W.
Langston, J. W.
Law, hon. C. E.
Lawson, A.
Layard, Capt.
Leicester, Earl of
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mahon, Visct.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Masterman, J.
Morgan, O.

Mundy, E. M.
Napier, Sir C.
Nicholl, rt. hon. J.
Paget, Lord W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hn. Sir W.
Reade, W. M.
Rennie, G.
Round, C. G.
Russell, Lord J.
Russell, J. D. W.
Scott, hon. F.
Shaw, right hon. F.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M
Taylor, T. E.
Tennent, J. E.
Trotter, J.
Troubridge, Sir E. T.
Vere, Sir C. B.
Villiers, Visct.
Vivian, J. E.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

Vote agreed to.

Several other resolutions were agreed to.

On the question that 82,458*l.* be granted to defray the charge of the volunteer corps,

Mr. *Williams* conceiving that this force was not at all necessary, felt it his duty to take the sense of the committee upon the vote.

The committee divided:—Ayes 133; Noes 17:—Majority 116.

List of the AYES.

Acland, T. D.
Acton, Col.
Anson, hon. Col.
Antrobus, E.
Arkwright, G.
Bailey, J., jun.
Baird, W.
Baring, hon. W. B.
Barneby, J.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Botfield, B.
Bramston, T. W.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Buller, Sir J. Y.
Campbell, A.
Carnegie, hn. Capt.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Clerk, Sir G.
Cockburn, rt. h. Sir G.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, right hon. H.
Courtenay, Visct.
Cripps, W.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Ferrand, W. B.
Filmer, Sir E.
Fitzalan, Lord
Fitzroy, Captain
Ffolliott, J.
Forbes, W.
Forester, hon. G.C.W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Graham, rt. hon. Sir J.
Greenall, P.
Grogan, E.
Halford, H.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, A.
Hope, G. W.
Humphery, Mr. Ald.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnson, W. G.
Johnstone, A.
Johnstone, Sir J.
Jones, Capt.
Kemble, H.
Knatchbull, right. hon. Sir E.
Langston, J. W.
Law, hon. C. E.
Lawson, A.
Leicester, Earl of
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mahon, Visct.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Masterman, J.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hon. J.
Paget, Lord W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pollock, Sir F.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Rawdon, Col.
Reade, W. M.
Round, C. G.
Scott, hon. F.
Shaw, rt. hn. F.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M.
Taylor, T. E.
Tennent, J. E.
Trotter, J.
Vere, Sir C. B.
Villiers, Visct.
Vivian, J. E.
Wortley, hon. J. S.
Wyndham, Col.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Berkeley, hon. Capt.
Blewitt, R. J.
Brotherton, J.
Bu[illegible].
Busfield, W.
Cobden, R.
Curteis, H. B.
Feilden, J.
Harford, S.
Howard, hn. C. W. G.
Martin, J.
Morris, D.
Napier, Sir C.
Powell, C.
Villiers, hon. C. P.
Wawn, J. T.
Wood, B.

TELLERS.

Bowring, Dr.
Williams, W.

Vote agreed to, as was several other resolutions.

On the question that 141,493*l.* be granted for the charge of pensions to widows of officers,

Mr. *Williams* begged to know upon what principle these pensions were granted; and whether they were paid to the widows of officers who died after retirement from the service, as well as to the widows of officers who died in actual service.

Sir *H. Hardinge* replied, that the widow of no officer who had retired on half-pay, unless he did so from wounds or other infirmities contracted in the service, was entitled to a pension. Neither was any pension given to any widow unless her husband had been ten years in the service. The widow of no officer who married after sixty years of age was entitled to a pension.

Vote agreed to. The other votes also agreed to.

On the question that 41,000*l.* be granted for allowances, compensation and emoluments, in the nature of superannuation or retired allowances to persons formerly belonging to the several public military departments,

Mr. *Williams* expressed his disapprobation of what appeared to him to be the very large amount of retired allowances made in the case of clerks who had served in the Ordnance department.

Sir *H. Hardinge* explained, that the allowances to which the hon. Gentleman referred were made to the senior officers of what during the war was a very large department. These officers, during the time that their services were required, received very high salaries, and upon their retirement received a compensation correspondingly high.

Vote agreed to.

SUPPLY — NAVY ESTIMATES—CASE OF MR. ELTON.] On the question that 2,980*l.* be granted for the salaries of officers and contingent expenses in the office of Registry of Merchant Seamen,

Mr. *Curteis* rose to bring under the notice of the House a question of some importance, involving the character of a young man formerly employed in her Majesty's naval service. For the express purpose of performing this duty he (Mr. Curteis) had that day travelled upwards of sixty miles (not upon a railroad), and at great personal inconvenience to himself. Wishing to act in a perfectly open and straightforward manner in the matter he had undertaken, the first thing he did on entering the House was to go to the gallant Captain (Captain Rous) opposite, and to tell him that he (Mr. Curteis) intended to take the very first opportunity of referring to what he (Captain Rous) had stated in the House the other night; and to assert that, according to what had been stated to him (Mr. Curteis), the statement then made by the gallant Captain was most incorrect. He gave the gallant Captain every credit for wishing only to elicit the truth; and entertaining no other wish himself, he placed a certain channel of information — the *Morning Chronicle* — in the gallant Captain's hand, and said, "Will you do me the favour to look over the report, that I may know whether it is a just and fair account of what fell from you the other evening?" The gallant Captain said he was going to dinner; upon which he (Mr. Curteis) observed, that he would wait till ten o'clock before he endeavoured to say a word upon the subject. It was now past that hour, and he accordingly felt himself at liberty to open the matter to the House. He must, in the first place, say, that he differed very materially from the gallant Captain when he (the gallant Captain) said, that the Admiralty had not properly supported the discipline of the navy by remitting the remaining portion of the sentence passed by the court martial upon Mr. Elton; for, he would boldly say, that he was speaking the sentiments of society generally, and of the world at large, when he said that the Admiralty, in remitting the remainder of the sentence, had acted justly and properly. Society in general, and the world at large, considered that the sentence originally passed on Mr. Elton was an unnecessarily severe one. Though an opponent of the Government, he would say, that he thought the Admiralty had exercised a sound discretion in extending their clemency to Mr. Elton. He was not aware that he was at issue with those hon. Members, captains in the navy, on the point of the want of etiquette, but he begged to remind them that the application was made from a midshipman to a gentleman who had been but recently made a captain, and who had been serving in another ship as lieutenant. The application was not as the hon. Member for Westminster said, for the boat, in order to put a friend of Mr. Elton's ashore, but merely that the boat, after stopping at Captain Williams's ship, might be allowed to go on to the coast of Syria to land Mr. Elton's friend, which might occupy a quarter of an hour or twenty minutes more. No answer was given to the young officer, but as a proof that the request was not unreasonable, one of the lieutenants actually put the same request to Captain Williams. He was not surprised that the midshipmen had expressed such marked sympathy for Mr. Elton, when they found such distinctions made between them and those in command. He need not remind the House that midshipmen had the same feelings as their superior officers, and that they were, generally speaking, their equals in birth and education; and he thought it hard that a midshipman was not allowed in polite terms to prefer a request to his superior officer in the way Mr. Elton had done. The favour was nothing, and though there might be, as the gallant Captain, the Member for Westminster said, a want of etiquette in preferring such a request, he could not understand how it could amount to a breach of discipline, and he would consider it very ungracious in any captain to refuse so humble a request. He thought that Captain Williams erred in this respect. He did not wish to say one word to the prejudice of any of the parties, and although he had seen Mr. Elton on the subject, he could assure the House that he had only taken it up on public grounds. He now came to the point on which he did not hesitate to say, that he considered Mr. Elton to be in the wrong. He did not stand there to defend the letter which Mr. Elton had written, in a moment of irritation and anger, to Captain Williams. He did not hesitate to say, that he thought Mr. Elton almost deserved to be dismissed from the service for that imprudent letter, but did he not afterwards offer an apology? He believed that he was correct in saying, that Mr. Elton had taken the first opportunity to offer an apology? But what did Captain Williams demand? Not only an apology for the second letter, but likewise an apology for the original letter, requesting the favour to be allowed to put a friend ashore. Now, for the second letter, no doubt an apology was required, and ought to have been promptly given. After this, Mr. Elton was brought to a court-martial, and although he did not mean to say, that there had been any culpable irregularity in this proceeding, yet there did appear to him to have been some very unusual circumstances connected with that court-martial. He believed it was an indisputable fact, that one of the officers sitting as a judge on that occasion was called forward to give his testimony as a witness for the prosecution. He believed that the same officer had likewise been examined on the part of the defendant; but this only made the proceeding the more irregular. He believed that it seemed a strange thing, not only to professional men, but to the world, that a person should be first broke, dismissed the service, and afterwards when he no belonged to the service, committed to prison for an almost indefinite time—indefinite, inasmuch as the sentence was, that his imprisonment was not to commence until after his arrival in England. The consequence was, that Mr. Elton, for three or four months before the period of his imprisonment, was in a state of close arrest, and in the condition of a prisoner. He thought the Admiralty had only done an act of justice in shortening the term of imprisonment. The hon. Member for Westminster (Captain Rous) had asserted that the additional punishment had been inflicted because the young midshipmen, not only of the ship, but of the fleet, intended to give their comrade, Mr. Elton, a triumphant dinner [An hon. *Member:* "A blow out"]; and for this the young man was sentenced to receive six months' additional imprisonment. The gallant Admiral opposite shook his head; but he appealed to the hon. Member for Westminster himself if he had not asserted this to be the case. On the present occasion he (Mr. Curteis) was rather taking the Admiralty under his shelter and protection, than imputing any blame to them; he not only approved of what they had done, but he thought they had exercised a sound discretion, and that they had shown an independent feeling in not allowing themselves to be shackled by others on this question. This was his own opinion, and he believed it would be re-echoed by all without that House. He believed that the Admiralty would have remitted Mr. Elton's sentence altogether on his return to this country, if he had not by some fatality or other, again got himself into a scrape. He accused the hon. Member for Westminster, not for his having asserted that Mr. Elton gave the lie to the commander of the ship in which he was brought home, but for his not having stated the extenuating circumstances. He would read to the House the information which had been given to him, and which he thought would fully show that he had not brought forward any trifling or frivolous accusation. He had visited Mr. Elton at the Marshalsea, and, showing him the document which he was about to read, he asked him if it was correct in every particular. Mr. Elton stated that it was. Although two gentlemen were present on that occasion, Mr. Elton did not feel altogether satisfied with the assurance he had then given, but called on him (Mr. Curteis) at his lodgings, and put the paper into his hands, which he read distinctly, telling Mr. Elton to point out any thing that appeared to be incorrect. The only particular mentioned by Mr. Elton as incorrect was the use of the word bailiff in designating the messenger of the Admiralty who accompanied him to London. He also said that the statement was not at all exaggerated, but rather the contrary. Now he (Mr. Curteis) did not defend the conduct of Mr. Elton towards Captain Lawrence, but he asserted that there were extenuating circumstances, and to suppose that Mr. Elton gave the lie to Captain Lawrence without any provocation, would only be to suppose that the young man was half cracked. He, with the permission of the House, would read the statement of Mr. Elton, which, as he had stated, he was assured by that person was correct in all particulars. It was as follows:—

"After the very extraordinary and unusually severe sentence had been passed on Mr. Elton, he was conveyed on board the flag-ship Howe, where he remained for nearly five weeks, confined in a cock-pit cabin with a sentry over him, with permission to take exercise upon the poop or middle deck, but no officer in the ship allowed to speak to him. He was then sent on board the Prometheus steamer to Gibraltar."

He felt bound to say, that the commander of that ship had acted in the most feeling manner towards the prisoner he permitted him every favour he could, and allowed him to associate with the officers of the ship. He did not know the name of the commander, but he felt bound to say that such conduct was much to his credit.

"At Gibraltar he was put on board the Hastings, Captain Lawrence, in which ship he was again placed in close confinement in a cock-pit cabin, allowed to walk only on the forecastle, and the starboard side of the main deck among the men—nobody on board the ship being permitted to speak to him, with the exception of the servant who brought his meals. He was not allowed the use of wine or spirits—some of these restrictions were taken off when the Hastings arrived at the Helens. Mr. Elton was on board this ship nearly a month. He was then taken from the Hastings in the custody of two messengers, and conducted to London seated between those two men in a second class carriage, on the Southampton railroad, like a common felon, exposed to the gaze of everybody—and taken to the Marshalsea prison. This does appear harsh treatment for a young man nineteen years of age, born and educated as a gentleman, a member of an old and a highly respected family, his father the eldest son of Sir Abraham Elton, Bart. of Clevedon Court, Somerset. Before Mr. Elton's arrival in England, his family were given to understand that the 'Imprisonment' would be remitted, but in consequence of a complaint having been forwarded to the Admiralty by Captain Lawrence, it has been decided that the sentence should be carried into effect."

He begged to call the attention of the House to the facts of this part of the case, for he thought it would show that Mr. Elton had received provocation for stating what he had done, and that he conceived himself no longer amenable to martial-law, because he no longer belonged to the service. ["*Oh, oh!*"] He certainly had been dismissed the service, and no longer wore the uniform. The statement of this part of the case was as follows:—

"Mr. Elton was put on board the Hastings, and was waiting on the quarter-deck for orders, and was talking to one of the mates of the ship, when Captain Lawrence rushed out of his cabin, and in a very loud and angry tone upbraided the mate for daring to speak to a man who was disgraced, and was a disgrace to the service; and, turning to Mr. Elton, said, 'How dare you, Sir, speak to one of my officers?—a person who is disgraced,' and other language to that effect. This unfortunate young man, being goaded to desperation by the apparently never-ceasing persecution to which he was subjected, under the impression he was no longer in the navy, was induced so far to forget himself as to tell Captain Lawrence that 'If he said he was disgraced, he told a lie, and was a liar.' He afterwards repented having made use of these strong expressions, and made an apology to Captain Lawrence, which he accepted."

He thought that this made out a case of considerable provocation. He believed that he was correct in saying, that if Mr. Elton in his anger had struck Captain Lawrence he would have been amenable to the civil and not to the military law. Greatly to the praise of Captain Lawrence, he (Mr. Curteis) believed that he had exerted himself to obtain a remission of the sentence on Mr. Elton. He did not wish to impute to Captain Williams anything beyond a want of courtesy, and he would admit that Mr. Elton was deservedly dismissed; but if the additional term of imprisonment was imposed in consequence of the dinner proposed to be given to Mr. Elton by his brother midshipmen, he thought there could be no justification for such severity. He did think that Captain Lawrence had given Mr. Elton provocation; but though he would not defend the language made use of by the young man to that officer, he wished the House to remember that Mr. Elton conceived that he was not in the navy at the time, nor was he. He accused Captain Lawrence of nothing save a haughtiness in his manner, and of forgetting himself in his passion, which all men occasionally did. Nor did he wish to bring any charge against Captain Williams, who he believed was highly esteemed as a good and efficient officer. He saw that the gallant Captain below him (Captain Berkeley), was about to bring down on him all the terrors of the Thunderer. He could assure that gallant Captain, and the gallant Captain the Member for Westminster, that he would not have mooted the question if they had allowed it to rest. The gallant Captain (Captain Berkeley) had told the House that he could have obtained Mr. Elton's dismissal from the service for his conduct while under his command. He believed the real charge which the gallant Captain had against the young man was, that he had exceeded his leave of absence by ten or twelve days. This, no doubt, was a great irregularity, and since the gallant Captain had not followed it up, he had no hesitation in saying that the young man was under great obligations to him; but he did not think that the fault was of that fatal magnitude which the gallant Member supposed it to be. He had brought this subject forward as an independent Member, and he conscientiously believed that he had asserted nothing which could not in every tittle be borne out by facts. No one could feel more indignant than he should feel, if it should turn out that he had been deceived in any of the statements he had made; but he believed he stated nothing but the truth, and all that he could say in conclusion was, that he entirely approved of the conduct of the Admiralty, in remitting the sentence passed by the court-martial on Mr. Elton.

Captain *Berkeley* would not begin in the same strain as the hon. Member for Rye, although that hon. Member had, in the conclusion of his speech, attempted to qualify his remarks by an admission that he (Captain Berkeley) had acted with mercy towards Mr. Elton. He rejected the praise of the hon. Member, for he felt that if he had properly discharged his duty towards Mr. Elton, neither the House nor the public would ever have heard of his name, for he would have been turned out of the service without one word being said upon the matter. He spoke this with confidence, as neither Mr. Elton nor his Friends were unknown to him, as they were to the hon. Member; nor was Captain Williams unknown to him, as he was to the hon. Member. Mr. Elton's Friends happened to be political supporters of a relative of his, who at the present time had a seat in the House of Commons; therefore, if he had any feelings towards Mr. Elton, they would naturally be favourable and friendly rather than adverse. Mr. Elton joined the Hercules when he had the command of that ship, and when Captain Williams was lieutenant of the ship. It was on his recommendation that Lieutenant Williams was promoted to be a captain on the occasion of the coronation brevet, and that recommendation was grounded on the excellent temper and good feeling which Lieutenant Williams had uniformly displayed. It was true that Mr. Elton had received from him a certificate on leaving the Hercules, but it was well known that such a certificate was merely an official document given to a party to enable him to carry out his time. It was by no means a mark of approval of the conduct of the individual to whom it was given. Mr. Elton was but a very few months the shipmate of Lieutenant (afterwards Captain) Williams. Upon joining the Thunderer, he wrote to Mr. Elton's father, saying that if he wished to have a provision for his son, he thought he could name him to his ship. Mr. Williams had at that time left the Hercules and become a commander, and was appointed to the Thunderer. He could not take upon himself to say whether, at the time of Mr. Elton's delinquencies, he was in the Thunderer with Captain Williams or not, but at all events Captain Williams was in full possession of a complete knowledge of all the misconduct of which Mr. Elton had been guilty up to the time the ship left Plymouth sound. There were no delinquencies on Mr. Elton's part which were not known to Captain Williams. As far as he was concerned, this question would never have been again mooted. He would have been the last person to have adverted to it; for he was perfectly satisfied with the answer which he had received from the hon. and gallant Admiral opposite (Sir George Cockburn) when he (Captain Berkeley) had expressed a hope that the obloquy which had been thrown upon the officers whom he had left in the Mediterranean, and which had also been thrown upon Captain Williams, who had been promoted through his means, would be removed. The answer given by the gallant Admiral was so satisfactory, that he had entertained the belief that it would have set the question at rest, and that neither the House nor the country would have heard another word about Mr. Elton or the court-martial. This, however, had not been the case. The hon. Member for Rye had said, that he (Captain Berkeley) had mooted the question. He had done no such thing. He was thoroughly satisfied with the answer he had got from the administration at the Board of Admiralty. When he had first joined the ship to which Mr. Elton belonged several complaints were made against him, such as going on shore when he pleased, without authority. Of course, it became necessary to put a stop to this; but immediately he did so Mr. Elton deserted. Now, he would put it to the House whether, if any seaman under his command had taken upon himself to act in that manner he could have maintained the discipline of his ship and the honour and character of a British man-of-war, without giving that man three dozen at the gangway. Then, was he to be told that a mere boy of eighteen or nineteen, who conducted himself in that way, and who was guilty of desertion from his ship, was to be put upon the same footing with any other young man whose character was unimpeached, and who had not misconducted himself. Was it to be said that a young man like Mr. Elton was to desert—not for a week, not for ten days, as had been said—but for such a period, that if he had not returned within a very few days, the mark of a deserter would have been placed against his name upon the ship's books? And how did he return? Not voluntarily, but he was brought back by his brother; and if he had not been so brought back, the mark would have been entered against his name, and it would not have been in his power to have saved him. This was the sort of gentleman on whose behalf the hon. Member for Rye stood up, professing at the same time the greatest interest for the service of the navy! The elder brother, with feelings which did him great credit, made an appeal to him to look over this young man's faults. Interested as he acknowledged himself to have been in the young man's welfare, and knowing the respectability of his family, still his reply was, that it was impossible for the young man to remain in his ship; such an example to others would be most prejudicial; but he would allow him (Mr. Elton) to join any other ship if he could find a captain who was willing, after being told of his having deserted, and of his general conduct, to take him. Captain Barnard agreed to take Mr. Elton into the Cambridge being acquainted with the reasons for his quitting the Thunderer; but he at the same time said to Captain Barnard, "Although the certificate he was about to give to Mr. Elton was merely an official document to carry him through his time in the Thunderer, yet he would not give the certificate to Mr. Elton, but would give it to Captain Barnard, who should retain it for twelve months; and if, at the end of that time, Captain Barnard should approve of Mr. Elton's conduct, he was then at liberty to give the certificate to him." Under all the circumstances, he (Captain Berkeley) felt, that the clemency he had shown towards Mr. Elton had been most incautiously exercised. If he had not shown that clemency, he might have escaped the animadversions that had been passed upon him, and he should not now have had occasion to trouble the House upon the subject. Then, with respect to the conduct of Mr. Elton towards Captain Williams, on board the Cambridge. In the first place, Captain Williams's ship (being a steamer) might have been four or five miles distant from the Cambridge, which was a line-of-battle ship. While on board, Mr. Elton, a subaltern, took upon himself to ask Captain Williams the use of his boat. Now this was of itself one of the greatest pieces of impertinence that a mate could have been guilty of towards a Captain; and when it was considered that Captain Williams knew the whole of Mr. Elton's previous conduct, the offensiveness of the act was considerably aggravated. He would appeal to any hon. Member in the House belonging to the army upon this subject. It was a fact thoroughly well known that a naval captain's boat was of as much importance to him, when waiting by the side of a ship, as the Duke of Wellington's charger was to his Grace when standing at his door. And for a junior officer in the navy to ask a captain to be permitted to use his boat would have been no more justifiable than for a junior officer in the army to ask the Duke of Wellington to lend him his charger to ride five miles. [The hon. Member for Rye cried "*Hear, hear.*"] The hon. Member might not understand the nature of the service, but Mr. Elton did. He knew that no commander, no lieutenant, would have asked Captain Williams for the use of his boat. That was the etiquette. The etiquette might be wrong; but the hon. Member might not be aware that there might have been five or six men employed in that boat, for many hours, by the captain. He might not know that the captain might not choose to have those men employed in rowing the boat four or five miles to the shore, and four or five miles back again, to please a subaltern; he might not choose that his men should go on shore, and into a town, where liquor might be had in plenty. All these things might not be known to the hon. Gentleman; they might not be known to civilians, but they were well known to officers in the navy; and therefore it was, that they did not blame, in the wholesale manner in which the hon. Member for Rye had done, those who took the part of Captain Williams at the court-martial. He might have gone farther, and said, that if they had taken Captain Williams's boat to the shore—that if the boat was what was called "down in the water," a watch must have remained up in order to hoist up the boat. All these circumstances taken into consideration, he considered the conduct of Captain Williams to have been perfectly proper, who, on receipt of Mr. Elton's note, said, "Tell him there is no answer." And upon his honour and word, if Mr. Elton, knowing as he did that young man's character, as Captain Williams also knew it, had asked him for the use of his boat, he should have sent for him, and had him up on the quarter deck, and have reprimanded him for his impertinence. [*"Hear, hear!"*] Hon. Gentlemen might say "hear, hear," and might think him to be using harsh language. But, thank God, he had been brought up in a school of strict discipline, and he was proud to say, that he had never yet left a ship without the hearty cheers of the crew, and he might say, without blessings being poured upon his head by every man and officer on board. If the hon. Gentleman, the Member for Rye, wished to be convinced of this, let him ask those who were connected with the ship which he (Captain Berkeley) lately commanded, and where he was supposed to exercise such harshness; let him inquire what was the scene which took place at Gibraltar, when he gave up the command of that ship to which the hon. Gentleman had so often and so pointedly alluded—the Thunderer. He believed that he had now said enough on this subject;—he certainly had said enough to prove that Mr. Elton was a dangerous character to be in the navy; he thought he had also said enough to prove that Captain Williams was perfectly right in refusing to answer an application from Mr. Elton, which, if it had been stringently construed, might have been treated as a very serious act of insubordination; and he certainly thought he had said quite enough to show, that the court-martial was right in the sentence they had pronounced. Before he sat down, he begged leave to tell the hon. Gentleman, the Member for Rye, that he did not believe that there was any tribunal where more justice was done, or more leniency shown, than in a naval court-martial, and that the practice invariably was, when a person was sent to be tried before a naval court-martial, to take the previous character of the individual into consideration, and to give it its due and proper weight.

Captain *Rous* said there was a great difference between the hon. Member for Rye and himself upon the subject, and he had no doubt when the hon. Member had commanded a ship as long as he (the hon. Member) had, he would be a better and probably a wiser man. Captain Williams knew that Elton was a discarded midshipman from the Thunderer, and therefore, for Elton to ask Captain Williams for the use of his boat was a great piece of impertinence, which he never could have been guilty of. What happened? An apology was dictated to Mr. Elton by two superior officers, who would never have recommended him to have signed what they would not have signed themselves; but Elton refused to sign it—he, a young man of eighteen, refused to do so. Some time after, indeed, he sent the apology, but it was then too late. A court-martial took place; it sentenced him to dismissal from the service, and to six months' imprisonment. If the young man had been in the French or American service, he would, in all probability, have been considered in the light of a felon, for it would have been regarded in those services as a very grave offence. Well, this young officer being about to be discharged, was considered by himself and others as an ovation, if not a triumph. If he had been on the court-martial, he would, for that offence alone, have sentenced him to six months' imprisonment in some prison in England. Then as to his conduct towards Captain Lawrence, what happened? Being a prisoner, Elton came on board in plain clothes, and walked on the quarter-deck. Captain Lawrence saw him in familiar conversation with one of his officers. Captain Lawrence reprimanded his own officer for holding intercourse with Elton, and most justly so; saying that he was a disgrace to the service. What was the behaviour of this youth? He a boy of eighteen, said to a man of sixty, "You tell a lie; you are a liar." If he had been in Captain Lawrence's position, he would have put Mr. Elton, with both legs in irons, and have put a gag in his mouth. He knew nothing of Mr. Elton; he did not care about Mr. Elton: it was a case where the discipline of the service was concerned; and he felt that the service would come to ruin, if, when a young man called a captain a liar, and a court-martial sentenced him to six months' imprisonment, the Admiralty remitted five months out of that six. Was that discipline? If any seaman had done what young Elton had done, he would have been hanged. If this was to be the state of the service, then he would at once say that the service was going to the dogs. Either the gallant admiral (Sir G. Cockburn) had stultified the officers who sat on the court-martial, or he had stultified the Admiralty. If the court-martial was right, why, when the young man had doubled his crime, was his sentence remitted? Because, said the hon. Member for Rye, he was a member of an old and honourable family. He would say, so much the worse. He would have given him ten times as much punishment. Why was Mr. Elton to be the first to disgrace his family. Had this Elton been one of his nearest and dearest relations, he would rather have lost his right hand than have gone to the Admiralty, and have asked the remittance of one day of his sentence. This he said for the sake of the service. He would have said to him, "You have behaved like a madman and like a fool; go to prison for six months, and thank God it is no worse; go to prison; improve your mind, and you will come out a better and a wiser man." He would say, in the words of Horace—

> "Ira furor brevis est. Animum rege, qui nisi paret,
> Imperat; hunc frænis, hunc tu compesce catenâ."

Captain *Pechell* wished to have some explanation as to the operation of the act for the registration of merchant seamen. He understood that the registration office was of no use or importance. When apprentices were bound to merchant ships it was the prerogative of the Admiralty, if any frauds were discovered in the indentures, to enlist them in the Navy. Officers were, therefore, appointed at the different rendezvous to enter the apprentices, and if the slightest fraud was found to exist in their indentures, they were taken out of the merchant ship, to the great distress of the owners, before the voyage was completed. It was not a proper policy in any way to distress the merchant marine, and that it so was considered appeared from the fact of pensioners of the navy being excused from serving, because they were allowed to enter the merchant service for the purpose of encouraging it, and contributing to man it. He knew that apprentices had been taken from trading vessels at Shoreham.

Sir *Sidney Herbert* said, that the strictest orders had been given by the Admiralty not to interfere with the merchant service; and if an apprentice deserted to the Queen's service, and was claimed by his master, he was always discharged from the Queen's service. In one instance it was true an apprentice had left the merchant service for the Queen's; and upon his being claimed by his master, the indentures were produced, and found to be invalid. No advantage was taken of that; but the young man, being of age, positively refused to go back, and his master knowing that the indentures were invalid, declined taking him before a magistrate. No blame, he thought, could attach to the Queen's service under such circumstances. He would now give to the House some information showing the beneficial operation of the act of his right hon. Friend for the registration of seamen. Since the passing of that act in 1835 there had been an increase in the Queen's service of 15,000 men, and in the merchant service of 30,000 men; making a total of about 45,000 men, that return excluded the last year, in which it was supposed that the numbers had increased in about the same rate as during the year before, when there was an increase of 10,000 men. The wages of seamen had risen 20 per cent. The apprentices who had entered since that act were, in addition to 50,000, the number at that time upwards of 39,000; so that there was under that act a steady supply for the merchant service, and of course for the Queen's service. The whole number of registered seamen at present was 258,000; and there were, besides them, engaged in boat-craft, and using vessels not licensed, about 180,000 men. It had been said that the introduction of steamers would diminish the use of sailing vessels, and, consequently, the demand for a supply of seamen; but since 1814 there had been an increase of 934 steamers, and by the side of that a concurrent increase of 3,610 sailing vessels, the total increase of vessels being thus 4,544. There were, however, unquestionably objections to the register established by that act; for there was no register of what number of men died, or what number deserted. [Mr. *C. Wood* asked the total number of registered seamen in France at the present moment?] The total number appeared to be 93,700, including men from eighteen years old to fifty, and of the *mousses*, or boys, 31,000; then they deducted one-twelfth for sickness, and 10,000 as deserters, making the net total of about 70,000; and the gross total of the French navy less by 5,000 than it was in 1795. Now, to show to the House how completely the French merchant service had been drained to supply its navy, he could inform the House that it was stated by parties engaged in the French fisheries, that in consequence of the number of persons taken by impressment a great number of their ships were laid up on the coast, because they were unable to man them; and that so far from a great navy fostering and encouraging the merchant service, it was like killing the goose, which laid the golden egg; it had nearly destroyed the merchant service; and for supplying the navy itself, recourse was obliged to be had to the military conscripts. It appeared from the report of the American minister of the navy, that there the same difficulties existed, and that their plan of getting apprentices from the interior had not had the effect of affording them a good and steady supply. Here, on the contrary, since last September, we had fitted out fifty-four sail of one sort and another, all fully manned, and now either gone to their stations, or at Spithead, ready to sail. An example of the increased rapidity with which vessels were now fitted out, was given in the case of the Agincourt, which had been fitted out in fifteen days.

Sir *C. Napier* was very glad to hear that no difficulty had been experienced in manning fifty-four ships, which the present Government had put in commission since September last. [Sir *S. Herbert*: The present Government found the ships in commission.] He wished to be informed how many ships had been put into commission since the hon. Member came into office. He admitted the excellence of the registration system introduced by the right hon. Baronet (Sir J. Graham); it did great credit to its author, and would be of essential service to the navy. In general, merchant seamen had great reluctance to enter the royal navy, but, he believed, the feeling was decreasing, and that in this respect registration was useful. It would, however, be an improvement, if every seaman were furnished with a copy of his register, which he might produce when necessary; at present, if a seaman were registered at Liverpool, he might proceed upon a voyage to the West Indies, return to Bristol, and again be registered there. Thus many might be registered twice over, and as long as this was the case, the number could not be accurately ascertained. He would recommend to the Admiralty, that different places in the dockyards, such as rope-makers, carpenters, smiths, sail-makers, &c., should be filled by men who could be well recommended from different ships. Such was not the case at present, and he believed that there was a good deal of jobbing in the dockyard appointments, to the neglect of the claims of the navy. The navy ought to be a stepping-stone to the dockyard; then men would be glad enough to come into the service. The reason was, that the gentlemen on the Treasury Bench docked all those appointments. Six thousand a-year was spent for messengers; now was there one old soldier, sailor, or marine who got any of that 6,000*l.* He would mention a case merely by way of illustration. The office of head-porter at the Admiralty became vacant, and he had asked the second porter whether he was likely to obtain the place. "No, Sir, (was the answer), for I have no interest with the first Lord." On inquiring who was likely to be appointed, the reply of the second porter was, that he believed it would be given to Lord Duncannon's butler, who had for some time kept company with Lady Minto's maid. The hon. and gallant Member proceeded to remark upon the fact that of the first 200 captains on the list seventy-six were above seventy years old, forty-nine between sixty-five and seventy, sixty-six between fifty-five and sixty-five, and only nine of less age than fifty-five years. If only 10,000*l.* were added to the estimates, this evil might be removed; and he was confident that the country and the other branches of the public service would not grudge the money.

Resolution agreed to.

The next vote proposed was for the grant of 34,982*l.* for the scientific department of the royal navy.

Mr. *Cowper* put a question respecting the admission of government inspectors into the schools of Greenwich Hospital. He wished to know whether they would be allowed to examine the state of the schools as formerly, and whether the regulations hitherto existing in those establishments would be preserved?

Sir *Sidney Herbert* answered, that the present Board of Admiralty had paid all due attention to the important subject, and added, that the annual inspection would take place as usual. Some modifications in matters of detail had been introduced; but the system of instruction for the boys would be continued as at present. The discipline had been found rather defective, and that increased authority would be given to the masters.

Captain *Fitzroy* rose to express an earnest wish that a larger sum should be devoted to the scientific department of the navy. He believed that the case was different abroad; but at home the officers of the hydrographical department were exceedingly ill-paid. Captain Beaufort, whose character was so well and so widely known, the House would be surprised to hear, only obtained a salary of 500*l.* a year. It was true that he was allowed 300*l.* a year additional for a house, but still the reward was very inadequate to the duty. Junior officers in other departments were paid 800*l.* per annum, besides being provided with residences. [Captain *Pechell*, the hydrographer of the navy, has also his half-pay.] The Lords of the Admiralty had also their half-pay. He wished the House to compare the hydrographical department of the navy in this country with that in France, where the building set apart to it was as large as the whole of our Admiralty. The hon. Member for Halifax, on a former night, had made a self-congratulatory speech, in which he had taken credit to himself and his friends, for the present condition of the navy in this kingdom, when, in fact, its improved state of efficiency was in a great degree owing to the suggestions which had been published in the letters of a flag-officer. Before he sat down, he would say a few words with reference to the West-India mail steamers. This line of communication had been referred to by the hon. Member as if it was satisfactorily arranged; but he begged leave to caution the Government against putting any faith in the arrangements made, either with regard to the line chalked out for the vessels to take, or the time in which they were intended to perform their work. He had made inquiries, and he found that they could not follow the track marked out for them, and that they would be unable to perform their present undertaking unless the Government came forward to give them much larger sums of money than they were now paid. The size of the vessels plying between the islands was quite inconsistent with the object to which they were devoted. Their size was exactly the same as that of the vessels on the line out and home from and to England; he knew that they had been required to be of that size, with a view to their carrying guns in case of need; but they were now found to be unfit for that purpose, and too large for the business in which they were engaged.

Mr. *C. Wood* said, that with regard to the hydrographer, all he could say was, that he was most happy on this, as on every other occasion, to bear his testimony to the great merit of that officer. He was aware how confined the space was to which that Gentleman was confined in the discharge of his duties, but he was also aware how impossible it was, in the present state of the Admiralty, to afford him increased accommodation. With regard to the other observations of the hon. and gallant Member, he hardly thought, that the discussion of a vote for the payment of the expenses of the hydrographical department of the navy afforded a very favourable opportunity for reference to what he had said on another evening upon other subjects; but he could not help referring to a statement of the hon. and gallant Officer with respect to the supposed influence which the recommendations of a flag-officer had had upon the late navy board. He would take leave to observe on this point, that the suggestions of a flag-officer were made in the year 1838, while the improvements in the navy for which credit was claimed to him, had been made in the previous years, 1836 and 1837. He could hardly see, therefore, how the hon. and gallant Member could reconcile his argument with this fact. With reference to the statements made by the flag-officer, he would now repeat what he had said upon a former occasion, that statements so inaccurate as those advanced by him it had never fallen to his lot to observe; and that the inaccuracies were the less excusable because they might have been avoided by reference to documents open to him and the world. He could not help observing, that the same means of information were open to the hon. and gallant Member, as well as the report of what had fallen from him upon a former occasion, if he had chosen to take the trouble to refer to them. He should not now say anything upon the subject of the packet boats to the West Indies, but should defer the discussion of that subject until the vote was proposed.

Vote agreed to.

On the proposal of a vote of 124,449*l.* for the salaries of officers and the expenses of the naval establishment at home,

Mr. *C. Wood* begged to call the attention of the officers of the Government to the case of Mr. Elliott, who, by the alteration of the transport service, had been deprived of a situation of 500*l.* a-year, to which he had been recently appointed, and which he had taken at considerable expense to himself. He ventured to express a hope, that in the event of a fair opportunity presenting itself, the exceedingly meritorious services of this officer, who had not confined his exertions to the particular department of the navy to which he was attached, but had frequently volunteered into services of considerable risk and danger, would not be overlooked.

Sir *G. Cockburn* said, that the case of the gentleman in question would not be overlooked, but was already under the notice of the Admiralty.

Vote agreed to.

The question that 567,027*l.* be granted for the payment of wages of artificers in the naval establishment at home,

Mr. *C. Wood* begged to inquire what steps had been taken with regard to the abolition or retention of first-class men in the dockyards? It was a subject which had been considerably agitated, and his own opinion was rather in favour of the continuance of the existing plan.

Sir *G. Cockburn* said, that the subject was one upon which various opinions were entertained; and two Lords of the Admiralty were about to proceed upon an inquiry as to the proper course to be taken.

Mr. *Tuffnell* inquired, whether there was any intention on the part of the Board of Admiralty of raising the pensions of the ropemakers in the dockyard to an equality with those of the shipwrights, as had been lately done in the case of the caulkers? The ropemakers were a most zealous and laborious body of men, and deserved every consideration.

Sir *G. Cockburn* replied, that the question was under the consideration of the Admiralty.

Mr. *Tuffnell* begged to ask the Secretary of the Admiralty whether any steps were in contemplation to establish schools in the dockyards for the apprentices and sons of artificers? The late Board of Admiralty had, he understood, made arrangements to carry this scheme into execution, and the artificers of the yard, than whom a more meritorious class of public servants could not be found, had been led to expect, that a privilege of this nature might be granted to them. He trusted, that this expectation might not be disappointed.

Sir *Sidney Herbert* replied that the measure alluded to by the hon. Member was likely to be carried into effect.

Vote agreed to.

On the question that 1,253,735*l.* for naval stores, machinery, building and repairing store-houses, being proposed,

Dr. *Bowring* thought that the question of the naval stores of this country was in a very unsatisfactory state, and that the mode in which these votes were proposed, embodying in one line a vote of so large a sum as was in this case demanded by the Government without any more minute explanation than was afforded by the general description of its purpose, was extremely inconvenient. With regard to the naval stores, he believed that if an account were required of them, none could be given; but he thought that it was a subject upon which the House ought to be furnished with some information.

Sir *James Graham* begged to assure the hon. Gentleman that he laboured under an erroneous impression if he believed that it was not in the power of the naval administration of the country to render a most accurate statement of the exact position of the naval stores of the country. He held in his hand an aggregate statement of the quantities of all the principal articles from the year 1829 to 1841, and he had received that statement in consequence of a statement which had been made upon a former evening. It was true that that account had not been laid before the House by the Government, but he thought that they had exercised a wise discretion in abstaining from doing so. First, it would be observed that great inconvenience might arise from the production of such a statement, the purchase of naval stores being effected by tender and contract; and, secondly, he did not think that the condition of the public stores ought to be disclosed even during the time of peace. For these reasons, he thought that the House could not complain of the absence of information on this point.

Dr. *Bowring* inquired when an account had been last taken of the stores?

Sir *J. Graham*: In 1841.

Captain *Pechell* inquired on what grounds a naval officer superintending the dock-yard at Deal, had been removed, and his duties left to be performed by a clerk in charge.

Sir *G. Cockburn* said, the duties did not require a naval officer, and were efficiently performed by the clerk.

Sir *Thomas Troubridge* could not agree with the gallant Admiral that the duties were properly performed by a clerk. It was necessary to carry out anchors and hawsers to vessels in distress, and to attend to the embarkation and debarkation of troops, and he did not think that a clerk was a fit person to perform such duties.

Sir *C. Napier* said, that this case really required some explanation. Mr. Elliot had been removed from his situation in the Transport Department at Cove, and the ground assigned was, that the Government considered it desirable to place naval officers in such situations. But here, in a case almost exactly similar, they had removed a naval officer, and appointed a civilian, in direct violation of their own principle. This really required explanation.

Vote agreed to. The House resumed. The committee to sit again.

Adjourned.

HOUSE OF LORDS,

Tuesday, March 8, 1842.

MINUTES.] BILL. *Public.*—1ª· Loan Societies; Regulation of Apprentices; Van Diemen's Land.
Committed.—Duchy of Cornwall.

PETITIONS PRESENTED. By Lord Strafford, and other noble Lords, from several Congregations of Ireland, for Legalizing certain Marriages by Dissenters.—By the Earl of Albemarle, from Norwich, and the Earl of Clarendon, from Musselburgh, and Wittenhall, for the Repeal of the Corn-laws.—By a noble Lord, from the Plymouth Chamber of Commerce, for the Amendment of those Laws.—By the Bishop of Exeter, from Aughanloo, for the Encouragement of Schools in connection with the Church Education Society (Ireland).—By Lord Campbell, from Trustees of a Charity School, Tiverton, for the greater Security of Charitable Property.

MARRIAGES (IRELAND).] The *Lord Chancellor* said, he would now move the appointment of a committee to take into consideration the state of the law in Ireland as it related to marriages, with the view of providing some remedy for the evils now complained of. He thought it of the utmost importance that some such measure should be devised as speedily as possible.

Lord *Brougham* entirely concurred with his noble and learned Friend on this subject, and he would now suggest that the Irish Marriage Bill should be read a second time and referred to the committee which was about to be appointed.

The Marquess of *Clanricarde* asked whether it were intended to refer the Marriage Bill to this committee.

The *Lord Chancellor* thought it would be advisable that the bill should be referred to this committee, and that they should, if possible, agree to some general measure on the subject. It was a singular thing in the history of the world, that, with respect to a contract so solemn as that of marriage, the law should be left more vague than on almost any other question whatever.

Lord *Brougham* suggested, that the committee should meet early on Thursday, in order to get through as much of the business as possible.

The *Lord Chancellor* concurred in this, and named 11 o'clock as the hour at which the committee should meet.

The Marquess of *Clanricarde* said, that as the bill was to have a retrospective effect, he should wish to see it have a more extensive range. He thought that everything possible should be done to prevent the most solemn of all contracts from being set aside by a quibble.

Lord *Campbell* expressed a hope that the committee would be able, with very little delay, to prepare a prospective measure with respect to the law of marriages in Ireland.

Bill read a second time and referred to the committee.

AMENDMENT OF THE PROCEEDINGS IN LUNACY CASES.] The *Lord Chancellor* said, that pursuant to the notice he gave last night, he was about to lay upon the Table a bill to amend and improve the law, or rather the proceedings in cases of lunacy, and would in a few words endeavour to lay before their Lordships the general scope of his bill. In cases where amendments like the present were proposed, it was important to consider the actual state of the law, what were the evils to be remedied, and what the nature of the remedy proposed. As to the state of the law their Lordships were aware that there were certain standing commissioners to whom petitions in lunacy cases were referred. Those commissioners were men most competent to the discharge of the duties confided to them, but their jurisdiction was limited to a distance not exceeding twenty miles from the metropolis. Beyond that distance commissions in lunacy cases were sent to persons of whom the Lord Chancellor had no knowledge, and who had little or no experience in such delicate matters, and hence sometimes arose serious mistakes, which entailed very considerable expense on the estates of the lunatics. He would now say a word as to how the expenses of those commissioners were defrayed. The commissioners were paid by fees, which were charged on the estates of the unfortunate lunatics. In the same way the Commissions of Bankrupts were paid by fees out of the bankrupt's estate, until the practice was altered by the bill brought in for that purpose by his noble and learned Friend (Lord Brougham) who then held the Great Seal. The expenses in lunacy cases were very great, and pressed heavily on the estates of that unhappy class of persons. As illustrations of the pressure of those fees, he would state the amount of those received by the commissioners in a few instances. In the case of Lord Portsmouth, which he would admit was an unusual one, and where there were six commissioners, instead of the ordinary number of three, the amount paid to those six commissioners was 1,071*l.* In the case of Mr. Davis, where there were only three commissioners, the amount which they received in fees was 346*l.* 10*s.* In the case of Taylor it was also 346*l.* 10*s.*; and in fact in this case the fees absorbed the whole of the unfortunate man's estate. In the recent case of Mr. Gundry the fees amounted to 220*l.*, and in another case, which occurred in the country, and where there was only one commissioner, who sat four days, the fees amounted to 75*l.* Such an amount of fees pressed, as he had said, very heavily on the estate of lunatics; so much so indeed, that where the estate was small the friends of the lunatic were afraid to apply to the Lord Chancellor, for they were well aware that the consequence of the lunacy commission would be to consume the estate, and the lunatic would be left without adequate protection as to person, and very little as to property. He had said, that many of those to whom commissions were directed in the country were quite inadequate to the duties thus imposed on them; and it often happened that commissions were quashed for irregularity. A new commission was to be issued, and thus the expense had to be incurred again. A case of this kind occurred with respect to a person named Holmes. The commission was sent down, and as soon as it was returned it was, quashed for irregularity. Another commission was sent down, and the expense thus occasioned amounted to 5,200*l.*, not including the fees before the master. His noble and learned Friend near him would see how absolutely necessary it was, that some remedy should be speedily applied to such evils as these. The remedy which he proposed in the bill to be laid on the Table was, to appoint two permanent commissioners, who would preside in cases of lunacy in town and also in the country. Those two, who would be men of ability and distinction at the bar, would be paid, not by fees, but by fixed salaries; and then there would be a fixed and regular system applying to all cases. But this was not all. At present lunacy cases were decided by a jury of twenty-four, as there must be the assent of twelve at least to make the inquisition, and return their verdict. These twenty-four jurors acted in the nature of a grand jury. They were paid one guinea per day each for each day the inquiry lasted, and he need not observe that this item of expenditure formed a very considerable portion of the expense of lunacy commissions. In the case of Lord Portsmouth the fees to the jury amounted to 410*l*. 11*s*.; in the case of Taylor, whose estate was a very small one, to 175*l*. In the case of Davenport the jury fees came to 315*l*.; and in that of Lady Kirkpatrick to 193*l*. When these were added to the very large amount paid to the commissioners, their Lordships would at once perceive the ruinous effect such a trial must have on a small estate. To diminish this expense as far as possible his bill proposed to vest in the Chancellor a discretionary power to have the case tried, in certain cases, with a jury of twelve, who need not be unanimous in their finding. This measure, therefore, would appoint two men of learning and distinction at the bar, who would attend to country as well as town cases, and it would enable the Chancellor in specific cases to lessen the number of jurymen. There was another point on which he proposed a change. It was well known that under the present system after the finding of the jury and the return of the commissioners there were certain inquiries to be made at the Masters' offices, and from information which he had received on the subject he learned that sometimes a year and a half elapsed from the report of the commissioners to the appointment of a committee to take care of the person and estate of the lunatic. In one case two years were allowed to elapse before the appointment of the committee. He proposed to remedy this, that the commissioners should have power to make inquiries as to the estate and effects of the lunatic, and such other matters as the Lord Chancellor should intrust them with, but if any difficulty should arise, the case should be referred to the Master, as at present. There was another subject on which he would say a word. There was an officer in the Court of Chancery called the Clerk of the Custodies, a very old and patent office, the occupant of which received large fees. In a bill which had been brought in on a former occasion by his noble and learned Friend (Lord Brougham) he tried to abolish that office; but it was found that this could not be done till the death or resignation of its present holder. He meant to propose, however, to abolish the office, the duties of which could be well performed by the Secretary of Lunatics, and he would have the Clerk of the Custodies receive compensation out of the suitors' fund in Chancery, the amount of the compensation to be fixed by the Master of the Rolls and the Vice-Chancellor. There was one other point on which he would say a word. His noble and learned Friend (Lord Brougham) had appointed visitors of lunatics; those visitors consisted of medical men, accompanied by a barrister, and he was happy to say, that that plan had worked admirably well. He would propose to make the two commissioners visitors *ex officio*, with power at any time to visit by themselves, or with the ordinary visitors, and he had no doubt it would be productive of much benefit. These were the general outlines of his bill. The details he would reserve for the committee, but in the meantime he would most gladly attend to any suggestion of his noble and learned Friends, by which his object might be better worked out. The noble and learned Lord then laid the bill on the Table.

Lord *Brougham* said, he should gladly adopt some such measure as that now proposed by his noble and learned Friend. In the main he concurred with him, but he would rather reserve anything like detail to a future and more convenient stage. He was glad to know that the system of visiting had worked so well, and that the persons appointed to perform those duties had discharged them so faithfully. He had no objection to the abolition of the office of Clerk of the Custodies, but that, also, he would defer any observation upon to a future stage.

Lord *Cottenham* would not then discuss the details of the measure, but if he understood his noble and learned Friend rightly, that his two commissioners were to be alike for town and country, and were to range all over England, he thought their jurisdiction was too extensive, and that it would be impossible they could perform the duties required of them. He had hoped rather, that his noble and learned Friend would have adopted the plan of founding local jurisdictions for general purposes, and transferring to those jurisdictions, as he had proposed the inquiries under country commissioners. With respect to taking away the inquiries into the estate of the lunatic, and the appointment of the committees from the Master's office, he very much doubted its propriety. Few inquiries were more important, or more peculiarly delicate, than those relating to lunatics; and unless some very good reason were given he could not assent to depriving of their jurisdiction those who had always been in the habit of exercising it. As to the abolition of the office of Clerk of the Custodies, that was desirable, but he could not consent, nor did he see how their Lordships could consent to the payment of lunacy commission out of the fee fund of the Court of Chancery. The suitors fund arose from suits in Chancery, and he did not see how their Lordships could deprive the suitors of any part of that fund for the purpose of making up the deficiency of fees in lunacy. It was not just, nor was he aware, that the suitors' fund could very well bear it.

The *Lord Chancellor* observed, that his noble and learned Friend seemed to think that the control of lunatics' affairs should not be taken from the Masters in Chancery, as he feared that such an arrangement would be injurious to lunatics, as the affairs would not be under the revision of the Court of Chancery; but his noble and learned Friend seemed to forget that the proceedings of the commissioners would be subject to revision, in the same manner as those of the Masters, by the Lord Chancellor. With respect to the resources from whence the remuneration was to be derived, he would remind his noble and learned Friend, that the suitors' fund in Chancery was as much from the accumulations from the estates of lunatics as from other persons, suitors in that court. He thought, that a fund so created might be charged with the expenses of this plan, by which the estates of these unhappy persons would be relieved from heavy charges to which they were now liable.

Lord *Cottenham* said, that so far as the estates of lunatics contributed, he had no objection; but to go beyond that point he considered unjust.

Lord *Brougham* begged to ask his noble and learned Friend, what greater harm there was in taking a sum from the general suitors fund, and applying it to purposes in lunacy, than in taking it, as was every day done, from one suit in Chancery, and applying it to the purposes of another?

Lord *Campbell* wished to ask if the two commissioners were to sit together or separately. He thought one enough. If two were to sit it would add to the expense.

The *Lord Chancellor:* That could not be, since the commissioners would be paid by salaries, and not by fees. Generally speaking, he proposed, that only one commissioner should sit, but in cases of great importance both would sit.

Lord *Campbell:* And in case of division of opinion between them?

The *Lord Chancellor:* In that case there was a provision in the bill to enable the Chancellor to have another commissioner. This was a power which had always been exercised by the Chancellor in commissions of lunacy, and in the case of Lord Portsmouth, no less than six were appointed, over whom Mr. Baron Hullock, just before he was made a Judge, presided.

LAW OF EVIDENCE.] Lord *Denman* rose to move the second reading of a bill which he had laid on the Table of the House, and which involved matter of very great importance as regarded the administration of justice, on a subject in which those persons who had the best right to form a judgment, had been strongly impressed with the propriety of introducing the change which he ventured to propose. Lord Mansfield, and many other learned judges since his time, had felt the inconvenience of the law which prevented the admission of witnesses on the ground of being interested, holding the doctrine that all persons, whether interested or not, should be allowed to give their evidence, and that the jury should estimate its value. From a sense of the evil of exclusion, judges had been led to evade the operation of the existing law, and doubts were thus raised, and difficulties created, which increased litigation to an incredible extent. He believed, that there was hardly a book of reports which did not contain cases of the kind, in which the expenses of the suitors must have been enormous, independent of the delay. Nice questions perpetually arise in the course of a trial, on which the opinion of the court above must be taken; the action is thus rendered more expensive, the final decision is indefinitely delayed, and the consequent embarrassment of justice both to the immediate parties, and to others who must wait till former cases are disposed of, is a serious public calamity. He thought, that he need hardly say more in recommendation of this part of the measure, as he was authorised to say, that it received the direct sanction of several of his learned brethren on the bench, and he had heard no objections stated to it by any of them. With regard to the second purpose of the bill, the doubts were greater. Their Lordships were aware, that persons convicted of certain crimes, had their lips closed in a court of justice to the end of their days, if their evidence was objected to in a formal manner. This class of persons included those convicted of felonies and certain misdemeanours, and, however necessary the evidence of such persons might be for the ends of justice, they could not disclose what they knew. He would venture to say, that not a single court of Assizes would be held during the present month, in which some case would not occur, where a witness would be put into the witness-box covered with crime, and who admitted, that he had been a party to the commission of the greatest enormities, and whose appearance there might prove him the worst of all offenders, —namely, the betrayer of his associates, their tempter to commit the crime which he came forward to denounce; and yet upon the faith of such a man might the liberty and life of the accused depend. In such a case, the mere commission of the crime did not exclude the criminal from the witness-box: on the contrary, it was the sole reason for placing him there. Nor did his confession of former crimes of even deeper dye exclude him; no, not his confession that he had been tried, convicted, and punished for such crimes; but he might be at once put to silence by the prisoner's attorney producing the record of any former conviction. But the law is whimsical in this matter: for if the convict should have obtained a pardon, (which may be done without much difficulty) the effect of the conviction is removed, and he becomes again an admissible witness. It is plain, therefore, that according to the present law, the competency does not depend on the only thing that could with the least show of reason affect it,—the guilt of the party; and that whether he is to be received or not depends on chance, or probably on the pecuniary means of those who have an interest in the admission or rejection of his testimony. He submitted, that this was a state of things which should not be; but that there should be certainty in the state of the law. He proposed that the testimony of convicts should not be excluded; but that it should be left to the jury for their consideration. But there is one class, where exclusion is defended on some plausible ground, and there appears to be a peculiar propriety in resorting to it. He meant the class of persons previously convicted of perjury. It might be thought, that after a person had been convicted of giving false testimony in a court of justice, he should be incapacitated from ever giving evidence again. In this case, also, the law is equally anomalous as with respect to other crimes, for unless the record of the conviction for perjury can be produced in court, his evidence could not be rejected. But ought even this man to be rejected, when the record is produced? The punishment of excluding him did not fall on himself, but on innocent parties. He might be in the possession of the most important facts, the knowledge of which was essential to the elucidation of truth, to the conviction of guilt, and to the acquittal of innocence. He may be desirous to suppress the truth which he knows, but the party to whom it is favorable, and the public, have the deepest interest in the disclosure. Therefore, the evidence of such persons should not be disallowed and altogether repudiated; but should be laid before the jury, who would take the attending circumstances of the case into consideration—the probable motives of the witness—his conduct since his former conviction—the probability of his statement—the confirmation or contradiction to be derived from others. It was supposed, that the incapacity arising from a previous conviction was seldom, if ever, enforced. But the non-execution of a bad law is never a good reason against its repeal; as long as it exists it may become operative, and that in cases where all mankind are scandalized by its injustice and inexpediency, this law is not obsolete, though its application is rare, for a case in the Court of Queen's Bench only in the last term, exemplified in a remarkable manner that the rule may be enforced, and may lead to striking injustice. A gentleman called upon an attorney to account for some large sums of money which had passed through his hands in the course of several years. The attorney had had the management of this gentleman's affairs, and he was called upon to answer the affidavit of his client. The attorney accordingly put in an affidavit, accompanied with the affidavit of a person who had acted as that gentleman's steward, with whom his account of these disbursements appeared to have been regularly kept, and the latter admitted that he had received such money, and had duly accounted for it. The client who had brought the attorney criminally before the court, to answer for this supposed malversation, then produced a record of conviction for perjury of the person whom he himself had employed as his steward, and the attorney was thus deprived of his testimony. He thought he had shown that the law was incapable of uniform application, and that in a vast variety of instances, it could not be applied at all; yet no one sought to remedy this imperfection. This appeared, then, a fair test of the general opinion being against the present law. The alteration of the law in these two particular cases of disqualification formed the chief object of his proposed bill; but he had also introduced two points of minor importance; but still, as he thought deserving attention and requiring amendment. Several Baptists had, from time to time, urged upon their Lordships the propriety of being admitted to the same privileges as Quakers and Moravians, and, objecting to an oath, to be permitted to take an affirmation. The whole of the Baptists did not entertain these scruples, but many did. He believed many of their Lordships had felt an objection to a wider measure, though Parliament would, doubtless, make ample concession to the scruples of particular sects. The last clause of his bill was to remove a doubt which had arisen whether, in legal proceedings, it was necessary to distinguish, in describing the acts of the grand jury and the petty jury, that some took the oath and others affirmed. In drawing up the record, a multiplicity of words would be thrown away, if this were required, on the doubt raised, whether the proceedings were well set out, and justice might be defeated by the opinion adopted on a matter purely technical. He proposed, therefore, to dispense with this necessity; if they did not pursue one form or another. These were the provisions of his bill, and he now moved that it be read a second time.

The *Lord Chancellor* did not rise to oppose the second reading of this bill; on the contrary, he was very much disposed to support it. As far as he had been able to obtain the opinion of Westminster-hall, they corresponded to a considerable extent with those of his noble and learned Friend. It was proper that the bill should be read a second time and go into committee; at the same time, as the responsibility of such a measure must rest with the Government, he hoped that his noble Friend would not go into committee till after they should, upon a measure of such importance, have been able to obtain all the experience which Westminster-hall could afford. He agreed with his noble Friend, that ever since the time of Lord Mansfield, the better opinion had been that the witness should be heard, and that the jury or the tribunal should decide upon the full case, taking his credit into consideration. It was impossible to take the existing law into consideration without discovering its many absurdities. Persons convicted of a felony were not permitted to give evidence, because it was thought that this was a punishment justly inflicted upon them for their crime, whereas, in point of fact, the punishment did not fall upon the party who had committed the crime, but upon the party needing his evidence. Again, mark the distinction now drawn by the law—a person convicted of stealing to an amount which constituted petty larceny, might be received as an evidence, but one convicted of stealing to an amount to constitute grand larceny could not be admitted; so that whether a party was to be admitted, or was not to be admitted to give evidence, depended upon whether he had stolen to the amount of 12*d.* or of 14*d.* What could be more absurd than this? Again, a man might be convicted of manslaughter; he might have carelessly driven over a child, yet he was not competent to be heard as a witness. Did the fact that he had been guilty of carelessness impeach the value of his testimony? But what happened afterwards? If he had gone through his punishment, he became a witness; was he more worthy of credit after he had undergone his punishment than before? He recollected the case of Lord Warwick: a question arose whether a party had been burnt in the hand; if he had been burnt in the hand, his evidence would have been received, otherwise not. What could be more absurd than this distinction? It was said, that the evidence was rejected because the party was not entitled to credit, and, therefore, ought not to be a witness. He denied that this was the principle of the law. An accomplice was called to give evidence, and the judge told the jury that he could not be safely relied upon, unless he were supported by testimony as to some material fact. Why should not this principle be more extensively applied? So much as to the part of the bill with respect to crime, next as to disqualification on account of interest. It often happened that whether a witness were disqualified on account of interest was a question of the nicest kind. If he were directly interested to the amount of 1*s.* he could not be heard; but, if he were interested to however large an amount, and his interest were not certain, although probably it was so near that it amounted almost to a certainty, he could give evidence. Let him take an instance. An old man might have a very large estate; he might have an only child with whom he lived on the best terms, and if he died it was almost certain that the estate would come to the son. In this case, if the father instituted a suit in any court of law, the son, who might have the estate, worth 20,000*l.* or 30,000*l.* a-year, was competent as a witness, yet if he had been directly interested to the amount of 1*s.* he could not be examined. Again, a dozen persons might subscribe the same policy of insurance; and on an action brought against any one of them, all the other subscribers to the policy, all whose interests were obviously involved in the decision were competent as witnesses. His noble and learned Friends would remember the case of Brent *v.* Baker, where a dozen persons subscribed the same policy of assurance. The action was brought against one of the subscribers, and yet the others were admitted as witnesses. Look, again, at the administration of the law as to the parties certainly interested. How many questions were decided by the court upon motion? Yet, upon motion the law had no objection to the parties interested in the suit giving evidence; and again, in the courts of equity, all the interested parties were allowed to make affidavits, and they were heard. How could they reconcile this with the incompetency of the same persons to give evidence when the question came to be tried before a jury? It was for these reasons that he was strongly inclined to support the principle of his noble and learned Friend's measure. Whether it should extend to parties convicted of perjury, or whether it should receive alteration in many material points, he would not then decide. All the provisions of the bill might be taken into consideration when Westminster-hall should again be filled, the judges would then be present to tell how it would operate; but he had already conversed with some judges of the highest rank, who entirely concurred in the principle of the bill of his noble and learned Friend.

Lord *Brougham* hoped, that their Lordships would give this bill a second reading. He thought, that his noble and learned Friend on the Woolsack had rather understated than exaggerated the anomalies of the existing law. He might have put the case of an old man, who was bedridden and imbecile, or a lunatic, having made a will in favour of his son, or having an only son who must by descent come into possession of his property, in a few days or weeks. The son may swear to put him in possession of 50,000*l.* a year, to which he is himself upon the eve of succeeding, whereas if he were interested to the amount of 1*s.*, or had a remainder, however remote, vested in him, he could not give evidence; in the one case he could have no bias, except the shilling interest, and in the other he was biased to the extent of thousands. It gave him great satisfaction, that the bill then before their Lordships had so good a prospect of passing after certain modifications in committee, of becoming the law of the land. Fourteen years since he had proposed these changes among others, in another House of Parliament, and supported them by the same arguments as he had that night heard. The success of this bill gave him encouragement to hope that other changes which he then proposed, and which stood upon as immoveable a foundation as those now taken up, would hereafter become the law of the land. To give one instance, in matters heard upon affidavit, not only were persons interested, but the parties to the suit were allowed to swear, and he thought that in all cases we should allow the parties to be examined.

Lord *Wynford* (who, upon the motion of Lord Bexley, was heard sitting) agreed in all that had been said by the noble and learned Lords. He had long wished that such an alteration as was now proposed should be made. The only part of the bill to which he objected was that which prevented the plaintiff and defendant from being examined. They allowed them to give evidence if they came by affidavit. Why should not the first provision be struck out? and if it were struck out, he would entirely concur in that clause. The noble and learned Lord had alluded to an old heir apparent. [Lord *Brougham:* To the heir apparent of an old and intestable man.] The heir apparent might be examined but the remainder man, however remote, even to the fifteenth degree, might not. With respect to the clause for the relief of Anabaptists, he was not aware that any congregations objected to take the oath. He confessed, that whether they should agree to this exemption was a matter that deserved much consideration, for he could not but observe what was passing in the courts of justice. Parties were constantly getting up and stating their religious objections to taking an oath: in many cases they appeared to be receivers of stolen goods, who very likely objected, not to the oath, but the conviction of good friends of theirs. He confessed, that he did not think that relief should be given to individuals, but if the minister of the congregation would sate that his congregation entertained religious scruples to taking an oath, he might consent to the proposal.

Lord *Campbell* entirely approved of the principle of the bill of his noble and learned Friend near him, and, with all deference to the noble and learned Lord opposite (Lord Wynford), he thought, that his noble Friend had pursued the right line, of debarring parties to the suit from giving evidence. Experience had taught him the evils of examining the parties. As an arbitrator he had sometimes examined the parties, but never without repenting that he had so done, because persons swearing for themselves too often forgot what was right and wrong, their passions were inflamed, and they stated that which would best serve themselves. What if a man of bad character were allowed to be a witness against any woman he might choose to accuse, and she were put into the box, and it should go to the jury as to which should be believed! It was the same objection as applied to the French system of examining prisoners; the astute and sharp man, though guilty, might manage his answers so as to get off; whereas, if an innocent man were interrogated, he might be so much confounded with his situation, that he would not be able to explain things that told against him. Courts of equity might call upon parties to answer against themselves by a bill of discovery, and it might be deserving of consideration whether they should give a similar power in open court. The bill, as it stood, however, would prevent justice from being defeated by frivolous and vexatious objections. No questions were more perplexing to the judge at *nisi prius* than to determine whether a witness was disqualified on the score of interest and he had known verdicts which satisfied every one set aside because a witness had been examined whose evidence, was not material, or because a witness had been rejected whose evidence would not have been material if it had been given. Great delay and vexation had arisen from this source, which would be wholly removed if they said that no witness should be any longer disqualified on the ground of interest. Under the present law the father might be witness for the son, the son for the father, the sister for the brother, and the brother for the sister. What they had to guard against was bias, and the question of interest was only raised to enable them to judge what the bias was. By the ancient law of Scotland no one within the prohibited degrees of relationship for marriage could be a witness, but this had been found so inconvenient, that two Sessions since the law was altered. With regard to the latter part of the bill, he only regretted, that his noble and learned Friend had not gone further. He saw no harm in admitting all persons who objected to an oath to give evidence on making an affirmation; as to the instance cited by the noble and learned Lord opposite, of a receiver of stolen goods objecting to give evidence against a thief, a change in the law would prevent such a person from assisting the thief by refusing to be sworn, because it would oblige him to give evidence, though not upon oath.

Lord *Denman* was rejoiced at the reception given to his proposal; his anxious wish was to go into a full consideration of every part, and he would name any time that would be most convenient, or resign it to abler hands, if his noble and learned Friend, the Lord Chancellor wished the measure to be carried through by the Government. He was not prepared to go the length of saying, that parties to a suit should be witnesses, but there might be instances where, not in open court, though perhaps by interrogatories administered with proper care, a great deal of truth might be elicited from the parties. As to the clause relating to Baptists, he would withdraw it and introduce it in a separate bill.

The *Lord Chancellor* always thought it was the best thing to bring in one bill for one object at a time, otherwise all parties disliking particular parts might join together to throw out the whole bill.

Bill read a second time, to be committed after the recess.

Adjourned.

HOUSE OF COMMONS,

Tuesday, March 8, 1842.

Minutes.] Bills. *Private.*—1°· Deptford Pier; Reading Cemetery; Gravesend Terrace Pier; Gravesend Town Pier; Tay Ferries; Dundee and Arbroath Railway; Bolton and West Houghton Road; Maidstone and Rochester Roads.

2°· Birmingham and Liverpool Junction Canal; Birmingham and Liverpool Junction Canal (Extension); Windsor Bridge.

Petitions Presented. By Mr. Hawes, from Lambeth (two), for the Redemption of Tolls on the Metropolitan Bridges.—By Mr. H. D. Bailie, from the Ross Farmers Club, for the sale of Corn by Measure and not by Weight.—By Mr. Villiers, Mr. Hawes, and other hon. Members, from several places, for the Repeal of the Corn-laws.—From the Grand Jury of the County of Sligo, that the Averages of Irish Produce may be taken in Towns in Ireland.—By Sir C. Coote, from Millers of Queen's County, Mr. Ffoliott, from Millers of Sligo, Sir C. B. Vere, from Millers of Ipswich, and other hon. Members, from Fermoy County, Carlow, and Kildare, for the Encouragement of the Importation of Grain instead of Flour.—By Captain Taylor, from Westmeath, and Collinstown, against the Reduction of the Duty on Oats.—By Sir R. Bateson, and Captain Jones, from several places in Ireland, for Legalizing certain Marriages by Dissenters.—By Mr. Sharman Crawford, from a Meeting at Blatchinworth, for Universal Suffrage; and from the Belfast Flour and Bread Company, for Removing the Restriction on the Importation of Flour.—By Viscount Sandon, from Great Bolton, Liverpool, and Derby, against the Borough Improvements and Building Regulations Bills.—By Mr. Milnes, from Merston Magna, against a further Grant to Maynooth.—By an hon. Member, from Acaster, Otley, and other places, against the Repeal of Gilbert's Act.—By an hon. Member, from Bridgeton Emigration Society, for the Encouragement of Emigration.—By Mr. Ormsby Gore, from Welsh Clergy residing in Yorkshire, for the Appointment of men to the Welsh Sees who are conversant with the Welsh Language.—By Mr. D. O'Connell, from Ashton-under-Lyne, for the Repeal of the Union.—By Mr. Fox Maule, from Magilligan, for the Abolition of Church Patronage (Scotland).

Marylebone Paving Bill.] Colonel *T. Wood* wished to postpone for a week the second reading of the St. Marylebone Parish Paving Bill, as he understood from the hon. Under-Secretary of State for the Home Department (Mr. M. Sutton) that certain clauses of the bill were objected to.

Sir *B. Hall* was of opinion that the bill should be divided into two parts, as it related to different objects.

Mr. *Wakley* hoped the gallant Member would do no such thing. He did not want to see the bill broken into fragments, and he trusted that it never would be passed in any shape. The statement that the gallant Member had had some communication with the Government was an alarming intimation for Marylebone, and for all parishes that were governed by local acts. He could see no necessity for such a measure. The parish of Marylebone, the population of which was now, he believed, 180,000, had been governed under the present system, in a satisfactory way, for ten years. [" *No, no.*"] Gentlemen opposite cried " No, no." What did they mean by that expression? He would assert that Marylebone had been satisfactorily governed with respect to the majority of the inhabitants. Was the government of the parish to be carried on exclusively for the minority? Did Gentlement opposite wish to take the government of the parish from the majority and give it to the minority? If they did not mean that, they meant nothing. As the parish was at present governed, the rates were reduced, the parish debts were reduced, and greater content was manifested on the part of the poor than under the former system. Whence, then, the necessity of a change? Why, the fact was, the minority wanted to govern the majority, and, knowing their influence in Parliament, they came down to that House and said, " Let us have the old state of things." He hoped that a different system would be adopted from that which had prevailed in past years, and that Government would act, with respect to private bills affecting large interests, in the same way as if they were public bills. The measure then before the House had created a violent commotion throughout the whole of that extensive parish to which it related; there was a very strong feeling on the subject amongst the ratepayers of that parish, and he wondered how the gallant Officer could bring in the bill without consulting the principal ratepayers of the parish. He believed that the gallant Member had been earwigged; and he hoped, when the gallant Member was set right, that he would abandon the measure altogether. A more objectionable bill he had never seen in that House, or a bill that was less called for.

Colonel *T. Wood* said, that as to any feeling in the parish against the measure, he knew nothing. Most respectable individuals had called on him, and requested him to introduce the bill. At the proper time he should be ready to state the allegations which were made to him as to the necessity of the measure.

Mr. *Mackinnon* said, that having been a churchwarden in the parish of Marylebone he wished to make a few observations. The present was a bill with which the Government had nothing to do, and the hardship that was complained of arose from the bill introduced by the right hon. Baronet, the Member for Nottingham. By that bill scrutineers were appointed, and five different polling places were selected, the consequence of which was, that one of the districts was overlooked, and there was no security for the proper conducting of the election. The feeling was, that the vestrymen were not elected by the people at large.

Sir *J. C. Hobhouse* felt himself called upon to say a few words after the allusions which had been made by the hon. Gentleman who had just spoken to a measure which he had the honour to introduce. Their laws were not like the laws of the Medes and Persians, and therefore if there were anything defective in the present law, let it be altered. If the act were defective, as regarded the appointment of scrutineers, let that defect be remedied, but this bill did not confine itself to that point. With regard to the general working of the act, which, as an hon. Member had justly observed, had passed almost without opposition, he must say, that in the parish with which he was connected he had found it to work well. If the complaints of the working of the act in Marylebone were well founded, the gallant Colonel was right in endeavouring to improve it. But, it should be remembered, that this was a private bill, introduced for the purpose of getting rid of a public act, and therefore it was necessary that it should be watched most jealously. He protested against the principle of endeavouring, by means of a private bill, to put an end to the operation of a public act which had given general satisfaction.

Mr. *M. Sutton* said, that all the communication which he had made with respect to the bill was, that it contained some clauses to which he objected.

Second reading postponed.

CONSULAR ESTABLISHMENT.] Mr. *D'Israeli,* in submitting to the House the resolution of which he had given notice, would at once express the reason which had induced him at this moment to propose it for their adoption. At a period when the commercial interests of this country engrossed their consideration, and when the principal object of their deliberations was to devise methods by which they might preserve, and if possible promote the relations of our trade with foreign countries, it seemed neither inexpedient, nor inopportune, to call the attention of the House to the establishments which we maintained in foreign countries, for the purpose of maintaining, and, if possible, encouraging our foreign commerce. It was unnecessary to remind the House that our relations with foreign countries were carried on by two classes of public servants, the diplomatic and the consular. This division of public duty had originated in an assumed difference between political and commercial interests. It would at the first blush appear that a division of duty which ranged one class of public interests in an inferior order, and entrusted their superintendence to an avowedly inferior service, must have the necessary effect, that public opinion should associate with the inferior class of interests, an inferior importance. Whether it were politic for any state to acknowledge that any section of its public interests possessed an inferior character might be a subject for argument; but that such an avowal should be made by the first commercial nation of the world with respect to its commercial interests was not a subject for argument, but for surprise and astonishment. He believed that this distinction between political and commercial interests had no foundation; that it was fanciful and arbitrary; incapable of definition, and defying analysis. A political interest, if it meant anything, was a public interest, and in a country where commerce was one of the principal sources of the public wealth, and the avowed foundation of the public revenue, a commercial interest was a public interest of the highest class. But it was unnecessary to dwell on this point, since in practice it was found impossible to draw the line of demarcation. The one set of duties constantly and necessarily blended with the other. There was a sort of fusion in the nature of the two services, and thus they very frequently saw political duties transacted by consuls, whilst the trading interests of the country were conducted by a minister plenipotentiary. To show that in what he said he was not referring to any isolated instances, but was rather dealing with the general state of the question, he would refer to the conduct of our consular establishment in the two quarters of the world where it was settled on the broadest and most costly basis. He would first refer to the Turkish empire, where our consular arrangements had been long permanently adjusted; and secondly, to the Spanish American republics, where these arrangements were comparatively recent. In the Turkish empire —of course, he spoke of the Turkish empire proper—from Lemnos to Alexandria, our consular staff was of the most costly description. We were represented by no less than three consuls-general, twelve consuls of the first class, and fifteen vice-consuls on salaries, making altogether thirty consular servants, who were paid, independently of the fees they received, at the rate of 12,000*l.* per annum. Now, at no time had the duties of the Levantine consuls been peculiarly onerous. The commercial duties of Turkey were characterised by that simplicity which naturally resulted from direct taxation. Yet he did not at all mean to assert that the offices of those consuls were sinecures. On the contrary, there was evidence to prove that they were extensively engaged. He might refer to the three volumes of diplomatic correspondence laid upon the Table—the last official tribute of the noble Viscount the late Secretary of State for Foreign Affairs—to show that the duties of those consuls had occasionally been of a very active character. The House would find, that a considerable portion of that correspondence had been furnished by consuls—that it contained communications from the consul-general of Egypt, Mr. Hodges, from Mr. Consul Moore, from Mr. Consul Werry, and from other consuls and vice-consuls. Nor did their communications treat of commercial topics. They referred to, and expressed opinions upon treaties—they had reference to the operation of armies and to the movements of fleets—they speculated on the prospects of war, and, indeed, referred to all those subjects which had hitherto been considered the province of ministers plenipotentiary. But he might adduce still stronger evidence. He might ask who was the first originator of the expedition to Syria? Who first visited the inland districts? Who first counselled the plans? Who communicated with the native princes? Who formed treaties of the highest character, such as ministers plenipotentiary only formed, and who did that which no minister plenipotentiary dared do,—break those treaties after they had been formed? He need scarcely say, that he referred to Mr. Wood, a gentleman bearing an English name, though that name was not borne, he believed, by an English subject, and who filled the office of British consul at Beyrout. He begged it to be understood, that he was not calling in question the conduct of that gentleman in anything he had done. He was only referring to it as an illustration of the principle he was laying down. But let them cross the Atlantic, and look at the state of our consular establishment in Spanish America. The House would recollect, that when Mr. Canning called the new world into existence, his preliminary operation had been to appoint consuls on the most extensive scale in all the towns of Spanish America, and at the principal ports on the shores of the Atlantic and Pacific Oceans. Shortly subsequent, the diplomatic establishments in those parts were placed on a similar footing to those of other countries, and it thus occurred that ministers plenipotentiary and secretaries of legation were found acting in the same places with consuls-general and vice-consuls. Now the diplomatic communications in these states were not very complicated. They nearly all partook of a commercial character. But, as there really was not sufficient public business for the occupation of both bodies, the result was, that the diplomatists, feeling that if they were not employed, the Parliament, or the Government would speedily abolish their offices, monopolised all the public business of those countries, and performed duties which would have naturally devolved upon the consular body. He might refer to a circumstance which occurred during one of the transatlantic blockades in proof of this position. It happened that during the blockade of the coast of Mexico, the Real del Monte Mining Company were anxious to land a quantity of machinery they had sent out for the prosecution of their works. As this machinery would not pay any duty to the Treasury, it was thought that the blockading parties might have agreed to allow it to be landed. In consequence the Real del Monte Company communicated with their commissioner in Mexico, an individual whose office was analogous to that of a foreign correspondent of a commercial house, and that gentleman made an application on the subject to Mr. Pakenham, our Mexican Minister Plenipotentiary. This communication led to a correspondence, laid before Parliament, and in which no member of the consular body took any part. Knowing that we had regular consular agents of a high class in Mexico, he (Mr. D'Israeli) had inquired of a gentleman well known to the noble Viscount opposite (Viscount Palmerston), why the reference was not made to the consul in the first instance, instead of to Mr. Pakenham. The answer he had received was, that in Mexico diplomatic questions seldom arose; there were no such nice matters as a boundary question requiring diplomatic agency; and that, consequently, it had become the habit of the merchants always to refer to the chief minister, who, in fact, had little or nothing else to do, than to attend to them there. An authority in support of his views on this question was Mr. Henderson, who, in a pamphlet he had published, had declared it to be ridiculous to keep up both agencies, and had definitively expressed himself that the double service was entirely unnecessary. But, after all, the best authority he could quote was the noble Viscount (Viscount Palmerston) himself. In 1830, when anxious to subscribe his quota towards the general reductions then projected in every branch of the public service, the noble Viscount had laid his finger on this double service, and had made many judicious arrangements for its alteration. Perhaps it was to be regretted that the noble Viscount had not done more; but, viewing the alterations in the system as mere economical arrangements, he could not but agree that they were in every way judicious and proper. He would beg very particularly to call the attention of the House to what the noble Viscount had done in that matter, because it very forcibly illustrated his views. The noble Viscount opposite made considerable reductions in the establishment of consuls in South America, which never would have been found necessary if Mr. Canning had had proper acquaintance with the circumstances of those countries. Convinced of the impropriety of the existing arrangements, the noble Viscount commenced by reducing the corps in Mexico, destroying the offices of consul-general and vice-consul, but leaving the minister plenipotentiary, the secretary of legation, and a consul existent. Perhaps it might be deemed unnecessary that the consul should have been left; but if they recollected that there were great mining interests to be protected in Mexico, perhaps they might agree that the noble Viscount was justified in leaving this office intact. His next alteration regarded the double service in the state of Colombia. The noble Viscount had very properly thought that the existence of a consul-general and a vice-consul at Bogota, the capital of Colombia, which was entirely an inland town, was exceedingly ridiculous. The noble Viscount put an end to the consul-generalship at Bogota; but, because there were political causes in Colombia which rendered necessary the presence of a diplomatic agent, therefore the minister plenipotentiary and secretary of legation were left at Bogota. The noble Viscount, with this exception, very properly terminated all the diplomatic missions in the South American republics, converted the consuls-general into *chargés d'affaires*, and recognised the principle for which he (Mr. D'Israeli) was contending—that the union of the two services was expedient for the benefit of the public. That was an accurate statement of what the noble Viscount did in the South American republics, in illustration of the principle he was anxious to enforce. It might be said, in referring to the Turkish empire and the republics of Spanish America, he was speaking of states of society which, though one was ancient, and the other, with respect to diplomatic relations, novel, were both in extraordinary circumstances. In one there was the anarchy which attended the decomposition of an ancient empire, and in the other the disorder which must accompany societies that were not maturely arranged. He, therefore, would remind the House that in a quarter of Europe which was, perhaps, one of the best ordered of existing communities, one of its most ancient and civilised societies, we had a gentleman who was a consul-general and at the same time an accredited diplomatic minister. He alluded to the Hanse Towns, our consul in which was minister to the princes of the Lower Circle of Saxony. He would refer also to the conduct we had pursued with respect to the Turkish regencies. In Algiers and the Barbary States we had consuls-general, who were also *chargés d'affaires*. He would turn to other parts of the Turkish empire. We had in Servia and Wallachia gentlemen holding the same office, charged with the double duty of attending to commercial and diplomatic affairs. He might refer also to the evidence of an individual who must be considered as the highest authority on such a subject—he meant that of the superintendent of the consular department of the Foreign-office —Mr. Bidwell. That gentleman in his evidence maintained, that it was necessary to have a consul-general at Buchorest, because it was a political appointment. That gentleman said, also, with reference to the consul-generalship of the Austrian dominions, which, it was observed, was placed in a city where there was no commerce, that it was absolutely necessary to have a political agent in Lombardy. That was the ground on which Mr. Bidwell defended the appointment of a consul-general at Milan. The same principle was also alleged by Mr. Bidwell with respect to the consulship at Warsaw. That consulship was defended by Mr. Bidwell because it was a political appointment, and the duties were described by him, the superintendant of the consular service, as diplomatic. The name of Warsaw reminded him of a city where certainly we had not a consul. Perhaps it was rather on the *non lucendo* principle to remind the noble Viscount of Cracow, but he could assure the noble Viscount that it was not his intention at present to enter into any discussion of the merits or demerits of his conduct on that occasion. He had no wish to criticise the conduct of the then Administration, or to notice the interposition of the House of Commons; but he must say this, that no one could read the debates which had occurred on the subject without feeling that there was a general understanding, both on the part of the people of Cracow, on the part of the great powers, and on the part of the Government at home and both Houses of Parliament,—for the subject gave rise to discussion in both Houses,—that the individual who was to be sent with the title of consul was to be really invested with a political character. What was the language of the noble Viscount the Member for Tiverton, on that occasion? The noble Viscount came forward and declared that the evil was great, the violation of treaties flagrant, "and therefore," said the noble Viscount, indignantly determined to vindicate the honour of his country and the interests of his fellow-subjects, "I will send a consul." This appeared to him (Mr. D'Israeli) a curious mode of vindicating the political dignity of a country, to send thither merely a commercial agent. He thought it clear, however, that there was a general understanding that the person to be sent as consul, should be, in fact, a person to be invested with a political character and diplomatic duties. He (Mr. D'Israeli) could adduce a variety of proofs, were they necessary, in support of that position. But he was rather afraid that the noble Viscount and hon. Gentlemen might turn round on him, and instead of charging him with a defect of proof, might think he was proving too much. The noble Viscount might say, "You are asking us by a resolution to declare abstractedly that which you yourself demonstrate is practically in operation." He felt the force of that observation to a limited extent, but it was to be deprecated, that when we were convinced that any public establishment or public service was founded on a vicious principle, we should allow ourselves to be diverted from the inevitable results of that vicious principle by some partial results of beneficial operation, which were a violation of the very principle on which the establishment was founded. This brought him to the heart of the question. He could show to the House, not by mere arguments, in which he would not indulge, but by facts, which must be admitted, that the system established, if considered in a political point of view, had occasioned great inconvenience and injury to this country, while, at the same time, in a commercial point of view, adopting that fanciful view of the duties of the functionaries to whom he referred, the justice of which, however, he could not acknowledge, the system had been utterly inefficient, useless, or mischievous. It would be his first object, in substantiating this proposition, to bring before the House the position of British consuls placed in circumstances in which they were called upon to exercise the highest political functions, and he must for a moment advert to that country which had occupied so much of our consideration, and exercised so great an influence of late years. He begged the House to look at the position of Egypt at the time when the noble Viscount opposite succeeded to office. At that time our only public functionary residing in Egypt was a consul-general. This individual might be taken as a very fair specimen of the Levantine consuls of that time. The House perhaps was not aware of the circumstances under which in the good old days gentlemen were appointed consuls-general for Egypt. The consul-general immediately preceding the gentleman in question, had been travelling tutor to a nobleman. The nobleman returned, and exercised his influence; his travelling tutor became consul-general, and enjoyed an opportunity of sending to his patron some choice specimens of Egyptian antiquities. The next consul-general had been a consul of the old Levant Company. A gentleman who was once a Member of that House, and a person of great influence, had received from him that hospitality which in remote regions was so grateful. The moment he returned, and learned that there was a vacancy, he took care that the old consul of the Levant Company should be promoted to be consul-general in Egypt. He was not mentioning this as invidious either to the person promoted, or the person promoting. It was the necessary consequence of a system, the evils of which he wished to point out to the House. In 1831, the situation of Egypt was of the most delicate and critical nature. The ruler of Egypt was at that time negotiating at Constantinople for the recognition of his independence by the Porte, when he would have accepted terms similar to those which had recently been forced on him. While the negotiation was proceeding, a vast force was assembling at Alexandria, slowly, but gradually and regularly, until the largest army almost that had appeared in the East in modern times was collected there, consisting of 100,000 disciplined infantry, 6,000 cavalry, and a great body of artillery; while the pasha, at the same time, menaced Syria. He could prove, if necessary, to the House, that if we had had at that time, any public functionary in Egypt of any political influence or character, the invasion of Syria would not have taken place. It was, of course, impossible for him to know what the consul-general communicated to the noble Viscount, if he did make any communication, or what the noble Viscount communicated to the consul-general. All he could state was, the fact that no representation reprobating the invasion of Syria was made on the part of the British Government to the Pasha. He stated from the highest conceivable authority that no such representations had been made, and if they had been made, he was convinced that the invasion of Syria never would have taken place. The old consul of the Levant Company was a man with whom the ruler of Egypt held no communication. He certainly bore an English name, but he had lived all his life in Syria, married into a Syrian family, and exercised not the slightest influence over the mind of the Pasha. The noble Viscount succeeded to power in the midst of a domestic revolution, with a civil war raging in Spain, with riots in Paris, the kingdom of the Netherlands separated, and the coast of Holland blockaded. It was not very likely that the noble Viscount would have attended to representations, even if made to him from the highest authority, and if he had been aware of their importance. Conceive, at such a moment, a Levantine consul communicating about Syria with a Secretary of State! Why, though the consul had the privilege of communicating, the Secretary of State might not condescend to notice his letters. Political interests were superintended by Ministers who were Earls or Viscounts at the least; but for the commercial interests there was a superintendant of the consular establishment who was a clerk in the Foreign-office. He asked the House for a moment to reflect what were the consequences of the invasion of Syria. That they were very great, all must admit; that they might have broken the peace of Europe, that they led to the disturbance of those amicable relations between countries which it ought to be the object of all statesmen to cultivate, was matter of notoriety; and that the effects of that invasion had not yet disappeared was incontestible. He would now give another instance of a consul-general invested with a political character; he referred to the late Member for Haddington. It was the necessary result of the motion he had to make that he should investigate particular cases, but he did not wish to travel into personalities. He was so convinced of the soundness of the principle of his resolution, that he did not feel it necessary to resort to personal details. For example, he should not raise any argument for the re-construction of the consular service from the improper appointments which had lately taken place, though he thought that course would be perfectly legitimate. If there had been a continual succession of appointments of unfit and unworthy persons, he thought he had a right to found an argument on those instances, and ask the House to interfere. But, whatever individual instances he might refer to, he should do so only to illustrate the principle for which he contended. He could assure hon. Gentlemen on both sides that he would be perfectly ready to give into their hands the papers in his possession, and then both sides could judge of the degree of self-restraint he exerted in taking this course. He would call the attention of the House to the new consul-general at Bogota. The House would, perhaps, recollect that this office had been abolished by the noble Viscount in 1832, but circumstances occurred during the year 1841 which rendered it necessary that those who had great personal claims on the Government of the day should be immediately attended to. He perfectly acknowledged the claims of the late Member for Haddington on the Government, and he was sure he spoke the feelings of all on that (the Ministerial) side of the House, when he said they would be gratified that the hon. Member should have a good place, provided the public interests did not suffer. He wished the House to remark this case, as amply illustrative of the character of the two services, one possessing a definite character-like diplomacy, the other being indefinite, like that of the consular office, which opened at once its portals as a wide refuge for the destitute. The noble Viscount recalled the minister plenipotentiary from Colombia, with that felicitous dexterity which distinguished him, revived the consul-generalship at Bogota, and appointed a new consul, with 1600*l.* per annum, who was also to be *chargé d'affaires*, at a guinea a day, a salary altogether scarcely inferior to that of the minister plenipotentiary. Another political partisan, Mr. Rainsforth, was also sent out as vice-consul. He begged the House to look to the consequences of this conduct. The House was perhaps aware that a few years back the republic of Colombia had separated into the three republics of New Granada, Venezuela, and Ecuador. The citizens of New Grenada were divided into two parties, so equally balanced that neither was strong enough to put down the other, and they therefore resolved to submit their differences to the arbitration of the British minister. Mr. Stewart was, therefore, called in to settle their disputes, and here was an instance of a consul suddenly required to arbitrate on the highest diplomatic questions. The new consul then on his arrival was informed that the deputies of the two parties were anxious to communicate with him. They were introduced and stated their case, but the consul, not speaking a single word of Spanish, was unable to understand what they had to say. The deputies finding that the consul could not, naturally thought that the vice-consul could, and therefore addressed themselves to Mr. Rainsforth, but found themselves equally at a loss, as he could speak no more than his principal. What was the result? The consul-general of Bogota, at which place he had never arrived, was obliged to engage an interpreter. The character of the dragoman tribe was much the same in all countries, but, bad as they might be in Turkey, they were worse in the South American states, for there any man who happened to speak English, however unprincipled a person he might be, was immediately engaged, and would hold completely in his mouth the interests of the two nations. He had the highest authority for saying that the dragoman of this consul-general was a person who ought not to be intrusted with political duties. This was the consequence of appointing a consul-general and vice-consul who had no single qualification for their office. He appealed to the hon. Member for Manchester (he did not know whether the hon. Member were present or not), whether it were for the interest of his constituents that there should be civil war in Colombia? Here, then, was an instance in which to provide for a political partisan, the noble Viscount had not only revived an office which he had previously declared to be useless, but in which the direct and immediate consequences of such a step were proved to be most mischievous, by the inability of the person appointed to fulfil the duties which devolved upon him. As he was now in the neighbourhood of Venezuela, he would remind the noble Viscount of a most extraordinary proceeding which occurred under his administration in that quarter. Perhaps there was none of the states of Spanish America in which England ultimately would be so interested as in Venezuela. Its vast Atlantic coast, its contiguity to our colonies, the immense importance it must be to us in the event of an American war, were circumstances of peculiar weight, which must at once present themselves to the mind of every one who at all considered the subject. The country, besides, was exceedingly rich, sugar and barley growing in the same field almost at the waterside; and, what was most remarkable, in no state of Spanish America was the feeling so much in favour of England as in Venezuela. How, then, had British interests been managed in Venezuela, and what had been the consequences? Mr. Canning had appointed a consul-general at Caraccas, the capital of the state. Sir

Robert Ker Porter was consul-general at Caraccas; there was also a full consul at Porto Cabello. He understood that Sir Robert Ker Porter some years ago had quitted Venezuela on leave of absence, that he had gone to St. Petersburgh, and that he never meant to return; but he supposed British interests were attended to in his absence by the consul at Porto Cabello. But he had seen an announcement in a newspaper of the death of this consul at Liverpool in 1839. Thus there was the consul-general of Venezuela living in St. Petersburgh, and the consul of Porto Cabello in the same republic, dying at Liverpool. Sir R. Ker Porter being still absent from Caraccas, and the consul at Porto Cabello being dead, it was not till September, 1841, that memorable period when they were favoured with a batch of baronets, and privy councillors, that a batch of consuls stole into notice, whose appointments were signed, sealed, and delivered in the last gasp of the noble Viscount's political existence. Then it was that a consul was appointed to Porto Cabello; and who was he? Mr. Florence O'Leary. He had made some inquiry with respect to the history of that functionary, and he found that he was a naturalized subject of Venezuela, a general in the service, and still receiving the pay of that state. He had heard that Mr. O'Leary had used very potent parliamentary influence to be appointed consul, but the noble Viscount had refused the application. The noble Viscount generally took the right course at first; but when he had no less than nine consuls to make at the last gasp he got reckless, and in most instances appointed the very persons he had formerly refused. We now, therefore, had as British consul at Venezuela a gentleman who was a Venezuelan subject and a general officer in the pay of that state. What had happened? Venezuela was just that part of the world in which what were called political interests existed, and diplomatic questions were likely to arise, and for this substantial reason—in connection with our province of New Guiana we had a boundary question with the republic of Venezuela. An important tract of land contiguous to the Oronoko was claimed by both governments; and our interests with respect to that boundary were to be represented and maintained by a general officer and subject of Venezuela. Perhaps some would be found to look with indifference on a boundary question between this country and Venezuela, but only fifty years ago they had signed a scrambling ignorant treaty with America another republic. Some, no doubt, had at the time looked with indifference on that treaty also, but what were the consequences of neglecting the boundary of Maine? They were now compelled to send a special envoy of the highest character, and one of the principal objects of his mission was to define that boundary — to determine whether the mountains were to be found which the other party alleged did not exist, and whether certain waters were the waters of a river or of the ocean. Circumstances of a similar character might again arise with respect to the Venezuela boundary, and the interests of England would be represented by General Florence O'Leary. He would give another instance illustrative of that happy system of the public service which perpetually pressed consuls into plenipotentiaries. In 1838 there was a gentleman of the name of Hodges, an officer in the British army, who had strong claims on the noble Viscount, and, there being no consulship vacant at the time, one was conveniently created for him in Servia? And what was the consequence? When he arrived he found his consular duties slight; but events were stirring of the greatest importance, and he threw himself into the heat of every political intrigue, so that in the course of eighteen months he had produced such a complication of circumstances as would take two ambassadors extraordinary to resolve. The noble Viscount did not recall him, and for this sufficient reason Colonel Hodges was driven out, by the inhabitants, the prince he had supported lost his throne, the house of Colonel Hodges was burnt, and he fled to Vienna. Such was the consequence of sending him to Servia. No consul was appointed for Servia for a year; and he really thought the noble Viscount had profited by experience, so that the person sent out would at least be a man of ability, of diplomatic experience, and political character, to exercise some influence over those with whom he had to deal. But in the memorable month of September, 1841, the Servian consulship was again filled up by a gentleman whom the noble Viscount had recalled years ago—Mr. De Fonblanque—and whose explanations did not seem to have been at the time very satisfactory to the noble Viscount. He had been sent off to Servia, but had not yet arrived. He was sorry to trespass so long on the indulgence of the House, but he would now direct their attention to the second department of his subject, and endeavour to show that in a commercial point of view our consular establishments were the most ineffective and useless service that now existed; and here too he should have to summon the noble Viscount as a witness. He must again recall the attention of the House to a country which he had already noticed, and which had exercised so great an influence, over modern politics, that it was impossible to enter upon investigations of this nature without adverting to it. The noble Viscount having his time fully occupied with France and Belgium could, of course, pay little attention to the Levant, in order to prevent the invasion of Syria. But the noble Viscount having made a sort of settlement in Europe, displayed the most determined energy in order to extricate himself from the consequences of his previous want of foresight. He was perpetually trying to do away with the evil effects of that fatal event—the invasion of Syria. He said, he could not settle the eastern question without a recourse to arms, and therefore he must have an accurate statistical report of Egypt, information as to her population, her resources, her productions, agricultural and manufacturing, her revenues and expenditure, her system of commerce, her power to maintain armies, and all such information. That report was made, laid on the Table, printed, and was now in the possession of every Member of Parliament. But that report was not prepared by a consul. We had a consul-general in Egypt at a salary of 1,600*l.* per annum; another consul at Alexandria, at 450*l.*, with a vice-consul, at 300*l.*, and one at Cairo, at 300*l.*; making in all for our consular establishment in Egypt an expense of 2,650*l.*; yet, after all, the consul-general, with all his consuls and vice-consuls, did not supply the noble Viscount with the information he wanted respecting Egypt. The noble Viscount wished to have an idea of the character and resources not only of Egypt but also of Syria; he wished to have a similar report, statistical and commercial, with respect to the invaded country. In Syria we had a magnificent consular establishment, one full consul at Damascus, another at Beyrout, another at Aleppo, and vice consuls at Tarsus, and Alexandretta. The report in question had been made, laid on the Table of the House, printed, and distributed; but it also was not supplied by the consular service. There was another country which bore the most intimate relations with Egypt—he meant the island of Candia. The noble Viscount took an enlarged and comprehensive view of the Eastern question; he said it was not only necessary to be perfectly acquainted with the commerce and resources of Egypt and Syria, but he desired a report to be furnished of the island of Candia. A report was made, laid on the Table, and printed, of which he would read the first sentence, as the most wonderful that had ever been written by any person who made a report.

"I have not been able," (said the learned commissioner on that occasion), "I have not been able to visit the island of Candia, but though I did not land in Candia I had the pleasure of some interviews with the pasha of that island in Syria."

Was not this an incontestable argument in favour of his proposition? They had a consul in Candia, but the noble Viscount actually preferred a report on the island by a person who had never visited it. Surely it was the most flattering compliment ever paid to a public man, that Government should have such confidence in him as to request him to prepare a report of a country he had never visited; it was more flattering still, that Parliament should order that report to be printed; but it was most flattering of all that a report thus ordered by the Government, and thus printed by the House of Commons, should have been paid for by the public. There was another island contiguous to Candia where we had a consular establishment, part of a kingdom, where indeed the effect of the double service, diplomatic and consular, was seen in perfection. The envoy, to the Kingdom of the Two Sicilies had a salary of 2,400*l.* per annum, and the secretary of legation 2,000*l.* There were also three consuls at large salaries, and three vice-consuls; so that in that little kingdom they had two services, which cost nearly 6,000*l.* a year. He would call the attention of the House to one remarkable circumstance illustrative of the value of such an establishment, and the manner in which the public interests were attended to. It appeared that a new treaty of commerce was about to be prepared, and questions relating to the sulphur monopoly arose. He supposed the circumstances to be investigated were so complicated, or that the public business in the fervid clime of Naples, did not go on so freely as could be wished, but it became necessary to send over an extraordinary agent, with the title of her Majesty's Commissioner to manage the affairs. He must now read to the House a short extract from the official correspondence. Mr. Macgregor, on arriving at Naples with the commercial treaty *in petto*, and the sulphur question in a state of the most complicated difficulty, wrote thus:—

> "I confess that the statements made to me relative to the sulphur monopoly startled my confidence in them—it approached hardihood to assert that the operations of the sulphur monopoly had cut off the navigation of more than 300 ships of from 150 to 350 tons burden," &c. "Under these circumstances I considered it would be necessary for me to visit the island of Sicily and ascertain the facts, that I might state them confidently as such to the Prince de Cassaro and to his Sicilian majesty, and then report the whole statistically to your Lordship."

Is it possible, then, that neither class of public servants, diplomatic or consular, could ascertain these facts? Mr. Macgregor then states,—

> "I, however, soon discovered, that notwithstanding the undoubted sincerity of the Prince of Cassaro, and the intentions of the king, intrigue and corruption were actively at work to frustrate the power of the prince, and promise expressed by his majesty. They artfully represented," &c.

Again, Mr. Macgregor stated,—

> "Of his majesty's sincere intentions I had no reasons to doubt, but in the minister of the interior I knew that no confidence could be placed; and with his influence at court, and especially over his majesty's confessor," &c.

And in another place the name of the Duchess de Berri appeared. Now, he asked if this was not diplomatic correspondence, what was? Here was a man, having interviews with prime ministers, and audiences with sovereigns, and obliged to use his endeavours to frustrate intrigue and corruption, to combat the designs of the minister of the interior, exercising influence over the king's confessor; while in the background, a royal duchess was introduced, pulling the strings of the puppets. Why, then, were there a minister plenipotentiary and a secretary of legation at the Two Sicilies? Surely no person would pretend that Mr. Macgregor was sent out as a mere agent of the Board of Trade, when he told you that he was obliged to counteract intrigue and corruption? He believed that the transactions which had taken place with respect to the commercial treaty with Naples the sulphur question would, when they became known, as they must, produce a deep impression on the public mind. Though not an aristocrat, he would be the last person to indulge in anti-aristocratic invectives. Such ebullitions as often perhaps cloaked a feeling of mortified vanity, as they expressed the conviction of an enlightened philosophy. He was quite sure, that, when the noble Viscount acceded to power in 1830, carrying with him, as he did, great experience, recognised ability, and, perhaps, unequalled powers for public business, it was no disadvantage to the noble Viscount, that he, in addition to all those considerable qualifications, bore an historic name. On the contrary, that was a great recommendation to the noble Viscount, for whatever effect reform or revolution might have, the people of this country were deeply attached to their old families. He observed, in a popular history the other day, that the public were congratulated that the conqueror of Napoleon was not a mere soldier, but also the younger son of an Irish Peer. In fact, a person in office, exercising patronage in favour of his near relatives, was never looked upon with an invidious eye, provided the persons appointed were qualified for their situations, for this exercise of patronage might be his dearest reward for all his official services. But, in proportion as the feelings of the people were attached to their old families, in proportion as they were glad to see the aristocratic scions of the country preferred to office so a feeling of disgust was excited when they saw them thrust into stations merely on account of their connections. What had transpired in respect to all the transactions connected with Sicily must produce a great effect on the public mind. It was clear, that if such a system continued to be pursued individually, it must tend to political disaster, and if persisted in generally, must lead to public ruin. Proceeding to the Pontifical states, was there not, he asked, a consul at Ancona who might have been intrusted with the task of affording statistical information respecting Rome? The late Government were so anxiously influenced by a laudable desire for information, that even little Lucca did not escape, but had its paid report and paid commissioner. A statistical report on Lucca! Surely some *attaché* of the Florentine Legation might have given us this; cantered over the duchy, drank the waters, sent his statistical report in a letter to a lady, who could have taken the opportunity of reading it to the noble Viscount opposite at the first assembly where they met. This was his idea of the character of a statistical report on Lucca. However, it was thought necessary to send a special envoy there; and, above all, a learned doctor. There was scarcely a *dignus nodus.* The divinity was too capacious for such a slight solution. With regard to Tuscany, the case was most extraordinary. There we had a diplomatic minister, a secretary of legation, and a consul, with salaries amounting to 3,082*l.* a-year. Well, a report was required on the trade and navigation of the port of Leghorn; the report consisted of fifty pages only, and yet it proceeded from no one connected with the diplomatic or consular establishments. In Lombardy we had a consul-general with 1,000*l.* a-year, and no business; and a vice-consul with 350*l.* a-year; yet a report on the trade and navigation of Trieste was entrusted to neither of them. There was scarcely a single spot which had not been enquired into, through the laudable efforts of the late Government to obtain statistical information; but the most curious thing was, that in procuring this information they condemned their own servants, for they could not trust their diplomatic or consular officers. They wanted a report on the manufactures of Switzerland, and what was the course of proceeding? No instance he could adduce was so flagrant—so annihilating to the reputation of our foreign service as this. In Switzerland they had a minister plenipotentiary with 2,000*l.* a-year. He was an old consul-general; and therefore it might be presumed, that though a diplomatist, he would condescend to furnish the information. On the contrary. There was a report, it was true, but the minister did not supply the information. In France there was a diplomatic establishment with salaries amounting to 11,000*l.*, and a consular establishment (consisting of fifteen consuls) with salaries amounting to 4,000*l.* In the year 1831 there was a consul-general with a salary of 1,000*l.* a-year. The Government of the country were then desirous that a mission should be sent to France to ascertain the way in which the system of book-keeping was carried on there (in the Government offices,) which was considered so very superior to the mode adopted in this country, though eminent for its commercial transactions. None of the diplomatic or consular agents could supply this information. And now he would call the attention of the House to a single paragraph in the report on the French finance of 1831, explanatory of this system of book-keeping. It was there observed—

> "It is only by the presentation of tables resembling one another, and, in fact, emanating all from a common original model, that the completeness and efficiency of the machinery can be shown. This course is made inevitable at every step; every one recorded fact has an immediate and necessary connexion with every other, and an unbroken reference to a general result. M. Laffitte assured me, and the authority of the minister of finance is doubly valuable from his previous experience as a man of business, that he believed the present system was scarcely susceptible of amelioration; that he had found the machinery complete, and its working both easy and efficient. It had provided perfect security against all malversation."

Again, in another part of the report it was stated,—

> "No accounts were ever subjected before to a scrutiny so complete as that which is constantly operating in France,"

and all

> —"by the introduction of well-devised forms, emanating from one central point, all harmonizing with one another, and with their common source."

He thought the Government were perfectly justified, on understanding that there was this perfect system of book-keeping in France, in instituting an inquiry into the subject; and, of course, if they had no diplomatic or consular agent they could trust to acquire the necessary information, they must, of course, send a special envoy. It was possible that the consular body were not of the same opinion as M. Laffitte, who

> "Believed the system to be scarcely susceptible of melioration; and to provide a perfect security against fraud."

It was certainly a very remarkable fact that a voluminous parliamentary report was made on the subject by a special commission, that the report was printed and distributed, and M. Kesner, the French accountant-general, immediately after decamped, leaving a deficit of 20,000,000f The same British commissioner proceeded to the Netherlands: though there were British consuls in that country, they, it appeared, were unable to furnish the information required by the Government, and it was a curious fact, that whenever a commercial treaty was wanted neither diplomatic nor consular agents were intrusted with the negotiations, but an extraordinary mission was always had recourse to. In 1831 there were two missions of this kind. One went to Paris; and in 1832 it was, he believed, that the noble Viscount opposite (Viscount Palmerston) informed the House that the treaty was to be laid on the Table. It had not, however, been laid on the Table yet. It was maturing, he supposed. He was glad to observe, that in the recent negotiations the secretary of embassy at Paris had taken a part; and it was with satisfaction he took this opportunity of congratulating the House that the late change of Government had not deprived the country of the services of this intelligent functionary. Though he differed from the Gentleman in question on politics, he was not blind to his great ability, his talents and his studies equally adapted him for the profession he pursued, the duties of which no one more clearly comprehended. He was glad that the valuable services of Mr. Bulwer were still preserved to this country; and if ever the present treaty should be completed, it would be mainly owing to his great exertions. The next subject which attracted the attention of the Government was the state of art and artisans abroad. They wanted to know how the artisans fed and lived in Switzerland, Belgium, France, and Austria. It appeared that the Government could not squeeze a drop of information out of their consular agents. This was the case in France, Belgium, Switzerland, and the Netherlands. At last they sent to Austria. He would remind the House that, besides the salaried members of our embassy there were a variety of unpaid *attachés*, who, having independent means of living, were studying the profession of diplomatists. Now, how could those Gentlemen be better employed than in gaining information for the country? If the country required information respecting the state of artisans abroad, could it not trust a single member of the diplomatic or consular establishments to make the inquiries? He need not remind the House of the existence of the Zollverein. The district in which the toll union existed comprehended five principal diplomatic missions — those of Prussia, Saxony, Bavaria, Frankfort, and Wurtemburg; and the united salaries of the functionaries amounted to 20,000*l*. At Leipsic there was a British consul; and when the place became vacant, he watched, knowing something of Leipsic, to see how the appointment would be filled up; for there was hardly a place where a man possessing sufficient capacity, might perform more essential service to his country than in that city. It was the great centre of German commerce. A consul at Leipsic would be enabled to watch the development of the Zollverein and give the most valuable information to the Government. The noble Viscount opposite (Viscount Palmerston) appointed as consul at Leipsic Mr. J. Hart: and if the noble Viscount had searched all England over, he could not have selected a more unfit person for the office. He did not inquire what were his original pursuits, what his relations were with the noble Viscount or with those who had recommended him. He simply stated and he had no fear of being enabled to substantiate his observation, that, taking everything into consideration, the appointment was disgraceful to the person who made it. And this was a specimen of the consular system; but he must, in justice, say, he believed another Minister might have made such an appointment. The consular establishment was considered a refuge for the destitute. All who were broken in fortune or reputation were made consuls. There was in many families one member who would do nothing, and for whom anything was thought to be good enough; invariably his relatives, endeavoured to procure for him the situation of consul. This showed the influence of the proceedings of Government on public manners. The consular establishment had been made the means of continual jobbing. Every species of jobbing which the spirit of faction could invent would be found to exist in the consular system. In the district of the Zollverein there existed British diplomatic establishments drawing an annual income of 20,000*l*. Was there, then, anything in the stirring streets of Stutgard or the bustling squares of Munich which made it impossible for our public servants to spare some attention to the Zollverein duties? Yet a special envoy was sent abroad to report on this subject, and the report had been laid on the Table of the House. He would be impartial, and would now turn to an appointment made by the right hon. Baronet near him. The right hon. Baronet had come into power after having had every opportunity of maturing his measures; and there was no doubt that when he acceded to power his policy was determined. But this was a matter of fact country, and there must be details for the public. All the information required by the right hon. Baronet might have been found in the archives of the Government; and if he needed fresher, he might have got it by return of post. But the right hon. Baronet, in reference to the corn question, which was exciting great excitement throughout Europe, found it necessary to engage Mr. Meek, and send him on a scrambling, rambling, expedition for six weeks. So low was the public confidence in the established public servants! He thought he had now brought before the House and the public the case of every country between the Nile and the Elbe, in respect to our consular arrangements. There was one country, however, to which he had not alluded, and that country had, by recent events, acquired an immense importance. In that instance, to use the language of the noble lord, an individual had been invested with the title of a superintendent and the duties of a consul. He felt certain he could not have instanced a place in which the principle he had laid down as to the injurious effects of the double service and the necessity of uniting them could have met with a more complete illustration. He alluded to the case of China. As to the appointment of Captain Elliot, he wished to say nothing. Doubtless, much of the misfortune which had attended the official transactions of that functionary resulted from the peculiar nature of the character with which the British Government had invested him. Although in some rare instances the very indefiniteness of instructions, and the unexpected position in which individuals had been placed, had proved the very means of developing their genius, and such was the case with Lord Clive, yet these instances were rare; and consequently he ascribed much of the evil which had befallen Captain Elliot's mission to the difficult position in which the home Government had placed him. Few men were equal to the discharge of duties such as those which Captain Elliot had to perform; and doubtless it was owing to this anomalous position, that he was so often found vacillating between the commercial and political interests which were confided to his care. This distinction between interests in which there was no difference, had brought the country into the fatal error into which it had fallen. Both in the case of China, as also in the case of Syria, this false principle had produced the political disasters and fiscal misfortunes from which the nation was at present suffering. The home Government was no doubt touched with pity at the mistakes into which they had themselves brought Captain Elliot by the imperfect instructions with which he had been sent out. They, therefore, recalled him. But when Captain Elliot was recalled, the next question was, what was to be done with him. One thing only was left, "We must make him a consul!" and Captain Elliot was appointed to the consulship of Texas. The very last act almost of the late Government was the appointment of Captain Elliot. In September, 1841, the same *Gazette* which announced the appointments of General O'Leary and of Mr. De Fonblanque contained also the appointment of Captain Elliot to the consulship of Texas. He had now detailed to the House certain facts illustrative of the system on which consular appointments were at present made. He had already shown that an arbitrary distinction in the public service, between political and commercial duties, had been the plea by which incapable individuals had been improperly appointed to public situations in which they had been called upon to fulfil political functions of a high order, and were incapable of performing commercial duties of a very inferior degree. There was another point which he must not omit to notice. It was said, that a consul must be possessed of commercial knowledge; that there was no similarity or kindred feeling between political and commercial topics; and on this account it was alleged, that different individuals must be appointed to discharge consular and purely diplomatic functions. Some individuals in the House paid great regard to tradition, and the hon. Member for Sheffield (Mr. Ward) had given notice of a motion for a return of the peculiar burdens borne by the agricultural interests. Now, he should very much like to be put in possession of the peculiar duties borne by the consular interest. The powers of a consul were so limited, that by the Consular Act those functionaries could demand to see neither the manifests of cargoes nor the registers of ships. Mr. Macgregor had observed, that the duties of consuls were originally, among other things, to clear the ships' cargoes. But all this had past. The duties of consuls had, by change of circumstances, altogether changed. A consul had certainly authority to interfere wherever the interests of the cargoes of our ships were concerned. An ambassador had the same authority. Therefore, it was manifest that the distinction between the character of anambassador and of a consul was merely one of degree. The fact was, that the consular system was wholly adapted to a former age. It had sprung up under circumstances which were no longer in existence. In the case of consuls in the Levant the office was invested with judicial authority, and he thought such authority was most improperly held by those consuls. In former times the consuls were in the habit of receiving the goods which were sent to the port at which they were stationed, but since the practice had been adopted of merchants having their own consignees at the ports to which they made their shipments, the discharge of this part of the consular office had fallen totally into disuse. Then, again, the emergencies which once called for the aid of these functionaries now no longer existed. They were no longer needed to soften Ottoman pride, or to assist the rude civilisation of feudal simplicity. But though their offices were obsolete, the officers were retained, because it was known that every country must be well informed respecting foreign subjects. Every Minister now knew, that without intelligence the Government of the country could not be carried on. Accurate information was the spring of all success. As long as a minister was supplied with sound information, the country would not be plunged into difficulties by rash expeditions and ignorant treaties. He should propose, that in whatever metropolis a diplomatic mission might exist, the commercial interest should be placed under such mission; that wherever consuls of the first class were, the duties of *attachés* should be combined with those at present discharged; but that consuls paid only by fees should not enter the diplomatic service. He felt conscious that he had trespassed much on the patience of the House, and he thanked the House for the courtesy with which they had heard him. Many points he knew had been omitted, which bore on this important subject. In asking the House to agree to the proposition he now submitted, he was not asking them to sanction any wild experiment, or any fanciful theory. He only asked them to fix their seal and stamp to what practice had already proved useful, and experience had already sanctioned. If the House assented to his proposition he anticipated the most beneficial results. He expected a new era would commence in the foreign affairs of this country. If our foreign service were filled by a well-educated, well-organised, and a well-superintended corps, all working together for one common intelligible end, he augured that the most important results would ensue, alike conducive to the honour of the Sovereign, and the welfare of the country. The hon. Member concluded by moving the following resolution.

"That it appears to this House, that great inconvenience and injury to the public welfare have arisen from the civil affairs of her Majesty in foreign countries being carried on by two distinct services; and that, with a view of advancing those commercial interests which at this moment so much occupy our consideration, it is expedient that measures should be forthwith taken to blend the consular with the diplomatic body."

Lord *C. Hamilton* rose to second the motion of his hon. Friend. He would avoid all unnecessary details, and all personalities. He would also avoid making allusion as much as possible to particular appointments and to private characters, because he thought that they bore but little on the question before the House. Much higher and more important interests were involved in it. He felt that no apology was due for the introduction of this subject to the attention of the House. Considering that the House represented mercantile interests of the greatest magnitude, considering the sums which were invested in mercantile operations, the amount of talent, energy, and skill which were employed in the direction of them, he did think the House would not refuse its earnest attention to a subject which was most intimately connected with those important interests. Protection to our merchants, and the acquisition of correct statistical returns, were the objects proposed by the motion of his hon. Friend; and in seconding this motion he hoped to be allowed to offer a few observations, however inadequate his support might be. He begged in the first place, to guard against being supposed to entertain any apprehensions as to the conduct of the noble Lord at present presiding at the Foreign-office. He felt asssured that the noble Lord would make no appointments which would be prejudicial to British interests. With respect to the way in which the consular system was organised, he thought the House must have felt some surprise at the facts which had been laid before them; and he considered that it was wonderful that while the commercial interests intrusted to the consuls was so extensive, the frame work of the consular system was so defective, and so totally different from what prevailed in every other profession. The consuls had hitherto no privileges; they might have the most weighty charges laid against them without being able to make any defence. When it was known what important services were rendered by our consuls; that in the various difficulties in which they might be placed no advice was to be had; that there was always a necessity for prompt decision, while no code was in existence by which that decision might be regulated—he did think the House would deem the matter worthy of their immediate attention. The commercial transactions of this country he believed exceeded those of all the rest of Europe, and yet in a profession which had such especial reference to those important interests there was nothing in the framework of the profession calculated to promote the advancement of individuals connected with it. There was no scope for merit to meet its due reward. Astonishing as the defect appeared, it was rendered even more extraordinary by the fact that other countries had long seen the necessity of a code of laws by which the judgment of their consuls might be directed. These codes entered into details, and were compiled with a view to meet as much as possible each individual case which might arise. The French consular code possessed especial merit, and in the absence of any code of our own, the British consuls had been in the habit of referring to it. And the chief part of its contents were most just and sensible. Was it not strange then, that while France had found the necessity of such a code, England had never had recourse to so simple an expedient to relieve the consuls of their great responsibility. He was aware that some indistinct laws were in existence, but they were found to be altogether insufficient for the purposes for which they were designed. The House was doubtless aware that when Mr. Canning filled the office of Foreign Secretary a great alteration was made in the composition of the consular body. Formerly the merchants trading to the different ports had been in the habit of recommending a person to fill the office of consul, and the minister had usually followed the recommendation of the merchants. The body of merchants, having been allowed to nominate this officer, undertook to pay him themselves; and these consuls were allowed to prosecute the trade in which they were engaged. This arrangement was, however, found to be inexpedient, since they were frequently obliged to decide in cases in which their own interests were involved. This disadvantage became so evident, that the practice then existing was done away with, and hence arose the present system of consuls. Unfortunately in appointing these Gentlemen, there had been an utter disregard of all previous qualification for the consular office. There was no acquaintance with the commerce of the countries whereto they were sent, or with the peculiar manners and feelings of the inhabitants. In short, there seemed never to be any preparation made for these high and responsible situations. Another great evil connected with the present system was the arbitrary nature of the appointments, which, of course, involved dismissals as arbitrary. The impression appeared to be, that it would be superfluous in any man to give himself any trouble, or devote any attention to acquiring proper qualifications; the fact being, indeed, that the consular situations were too often filled up by the broken-down and disappointed of other professions—by those who had failed in other pursuits, and had reached a period of life wherein there was little facility of acquisition, and less disposition to the labour of acquirement. The consequences of the system might easily be imagined to be such as had in fact been pointed out. Most justly, for example, had his hon. Friend alluded to the undeniable fact, that whenever the Government wished particularly valuable and useful statistical information, special agents had to be appointed for the purpose of collecting it, as in a recent case; the consuls who were paid handsomely by the country, ostensibly for this very purpose of procuring required information, being unable to furnish it when demanded. Could there be a stronger self-condemnation of the existing system? The appointment of special agents for the procuring of peculiar information, entailed, of course, additional expense. Under such a system as the present, no persons of respectability, education, and talent, were at all likely to devote time and attention to the attainment of the numerous qualifications indispensable for a due discharge of the diverse duties attaching to the consular-office. Yet how exceedingly desirable was it that young men of character and ability should thus dedicate themselves to a course of preparation for duties so multifarious, so important, and so difficult. How could this be expected, when the appointments and the dismissals alike were arbitrary, and with no reference to real fitness and qualification? This was calculated effectually to depress that laudable zeal, and discourage that application, which were essential to the well working of our consular system. There was no code of instruction—no digest of duties—no scale of promotion—no incentives to exertion—no premium for talent, but under such a system there was a sum of 100,000*l.* per annum, distributed among about 170 persons; and so injudicious, so injurious were the arrangements, that it frequently happened that appointments were given to such as were least capable of filling the consular-office, with efficiency, to such as had no knowledge of and had acquired no experience in the high, the onerous duties of their intended stations. In adverting to some particular instances of incongruous, but important duties, performed by some of our consuls, he must mention that one gentleman had been employed during the late affairs in Syria to head troops and conduct warfare, and had been intrusted actually with power to create Emirs by the Porte, and had exercised the powers of deposition. He was quite prepared to be told that such cases as these were extreme instances and singular in their nature. To this he would reply, that such cases should be provided for in a peculiar manner, and not embarrass and confuse the whole consular system. So it was, however, that unquestionably the more distant and difficult the scene of duty, the more dangerous, diverse, and delicate the duties to be discharged, the less defined were the powers, the less clear were the instructions, the less distinguished was the functionary. He might advert more particularly to the peculiarly motley character of the consular office in the Levant, where our consuls acted occasionally as magistrates, notaries, commissioners of health, &c., and where, just as the duties were the most multifarious and embarrassing, the instructions were the least luminous, and the functions the least defined. Their situation was most important, standing, as they did, between our subjects on the one side, and the foreign jurisdictions on the other, and having the delicate part to fulfil of repressing the irregularities of the former, while restraining the encroachments of the latter. Curious instances might be given of the extraordinary diverse duties they were constantly called on to fulfil, having sometimes to take recognizances, sometimes to quell disturbances; and it was very easy to see how embarrassing must be their situation in cases of dispute between British and foreign subjects. They might control their own countrymen, who would naturally refrain from contemning consular authority, in order not to lose the benefit of consular protection; but as to the foreigner, how limited their power, how imperfect their knowledge, how ineffectual their means of obtaining justice! Those who were at all acquainted with the subject—on which a report in the year 1835 threw great light—would well know the diversity of foreign usages respecting civil jurisdiction; but the main evil, the chief difficulty, was in regard to criminal jurisdiction, respecting which, too often, the attempt to administer justice, was necessarily either a mockery or an aggravation. Now, was this a system which ought to prevail? He hoped, that he had said enough to show that the subject was one worthy of the attention of the House, and he thought he had also succeeded in showing that the present was a state of things which had gone on too long, and ought not to be permitted to continue. As an instance of the injustice, and he might fairly say, the cruelty, to which the present system gave rise, he might refer to the case of Mr. Larking, the gentleman who was consul at Alexandria during the late important events in Syria. He need hardly remind the House, that at that period great alarm prevailed amongst the British residents in that part of the world. The noble Lord opposite had acknowledged the zeal, the talents, and the high character of the late British consul at Alexandria; but, as might have been expected, considering the climate and the weight of the functions which he had to discharge, the health of Mr. Larking sank under the arduous duties which devolved upon him. Under those circumstances, he naturally solicited leave of absence, and took occasion, in making that request, to express a hope that no reduction would be made in his salary. To this very natural, and, as it might be considered, just application, he received from the noble Lord, then Secretary of State for Foreign Affairs, the following reply:—

"I take this opportunity to acquaint you, that in the particular state of affairs in Egypt, her Majesty's Government deem it essential for the public service, that the consular duties at Alexandria should be performed by persons wholly unconnected with the mercantile interests of the place, and the Queen has, therefore, been pleased to cancel your appointment as consul at Alexandria, and to appoint Mr. Stoddart to be your successor. I have, however, to express to you my approval of your services during the time you have been consul at Alexandria."

Immediately on the receipt of this letter, Mr. Larking took steps to undeceive the noble Lord with respect to his supposed connexion with commercial pursuits. Mr. Larking, in a letter which he addressed to the British residents in Egypt, expressed himself in these terms:—

"I lost no time in pointing out to his Lordship, that the motive alleged for my removal was without foundation, and must have resulted either from wilful misrepresentation, or in a supposition on the part of his Lordship, that I had availed myself of the privilege of trading granted me by the consular regulations, having never, during my residence in Egypt, been engaged in mercantile pursuits. In confirmation of this assertion I appealed to the British residents of Alexandria, and strengthened that appeal by referring his Lordship to Mr. Bidwell, the superintendent of the Consular Department, to whom shortly after my arrival in England I had pointed out the propriety of withdrawing from consuls at Alexandria the privilege of trading. I mentioned to his Lordship in the strongest terms the disappointment and mortification I felt on being thus abruptly and unexpectedly dismissed from a post, in the possession of which I had considered myself secure, so long as I continued faithfully and zealously to discharge the duties assigned to it; but that having received repeated intimations both officially and otherwise of his Lordship's approbation of my conduct, I felt confident that so soon as his Lordship was made aware that the determination he had come to was based upon erroneous grounds, he would not hesitate in recommending my reinstatement."

To the representations of Mr. Larking the noble Lord replied in terms which showed that the charge of trading being distinctly denied, he thought it expedient to shift his ground and take exception to Mr. Larking, for being, not a trader or agriculturist, but for being connected by marriage with those who were. These were the terms in which the noble Lord wrote upon that subject:—

"I have received your two letters, dated the 14th and 16th inst., in which you urge, as a reason why you should be reinstated as her Majesty's consul at Alexandria, that during the whole period of your residence in Egypt you have never directly nor indirectly engaged in mercantile pursuits; and that you had latterly been occupied in preparing a report upon the necessity of introducing changes upon the consular department at Alexandria, and especially the propriety of withdrawing from the consul at that place the power to trade. In reply, I have to observe, that I believe you have been engaged in Egypt in superintending some large commercial and agricultural concerns of your near connexion by marriage, Mr. Thurburn? but whatever may have been the precise degree in which you yourself have been interested in the commercial pursuits and engagements of your family connexions in Egypt, I am convinced the arrangement which I have advised the Queen to make is for the advantage of the public service, and I cannot reverse it."

When Mr. Larking had thus received the confirmation of his dismissal, the fact became known to the British residents in Egypt, and they lost no time in addressing a letter to their late consul to this effect:—

"We hasten to express our great concern at your abrupt removal from the situation of consul at Alexandria. During your residence amongst us you had acquired our esteem by the attention you gave to our representations, and the zealous manner in which you advocated our interests when called upon to do so. We fully admit the wisdom of the principle assumed by her Majesty's Secretary of State, by which a consul in Alexandria should not be permitted to trade; but you never were, to our knowledge, engaged in the trade of the place at all; and had such been the case, rival interests would have detected it. We shall be happy if this testimony destroys the false impression which occasioned your dismissal."

The case of which he had thus reminded the House, was one which merited in no small degree an attentive consideration, for it showed in a clear and practical manner how the system worked. He thought, from the statements made by his hon. Friend, and from the facts which could not fail to be known to Members of the House generally, that this position had at least been made out, that if the consular establishment were to be kept up, it ought to be recognised, and united with, or made to resemble, our diplomatic establishments. He hoped that the object of his observations would not be misunderstood. He had addressed the House with the view of inducing them to pay attention to a subject of great importance—of great moment as regarded our commercial interests, and of no trifling weight even in a political point of view. For the reasons he had stated, it was to be hoped that something like an incorporation of the two bodies—the consular and the diplomatic—would be effected. Such an arrangement might possibly tend to diminish the patronage of the Foreign Secretary, but he was sure that her Majesty's Government would allow no such consideration to influence them, but on the contrary, would rather seek an opportunity of more completely protecting our interests abroad than the present system afforded. The noble Lord concluded by seconding the motion.

Dr. *Bowring* could not avoid feeling some surprise at not observing that the responsible advisers of the Crown had thought proper to express any opinion on a subject of so much importance, and one, too, brought under the consideration of the House by two of their hon. supporters. But as the Government remained silent, he hoped that he might, without intrusion or irrelevance, venture to make a few observations. He apprehended, that amongst those who possessed anything like sound information on the subject, there did not exist any difference of opinion; indeed, he believed there was not to be found a second opinion amongst intelligent and impartial persons. Although he agreed in many respects with the hon. Mover and Seconder, yet was he bound to say, that they had not touched the root of the evil; they had not adverted, for example, to the fact that the persons sent out as British consuls were not qualified by education or by previous habits for the tasks assigned them. If there be any department of Government which requires the previous training of men for the fit discharge of its sometimes onerous and complicated duties, it was the consular service. It should be made the subject of special education, and before any individual was nominated to the post, a thorough investigation of his aptitude should take place. Men advanced in life often received those appointments—men whose character and habits had been wholly formed, and who were then incapable of qualifying themselves for the discharge of functions of great importance and gravity. It was well known that this country was, in various parts of the world, very inefficiently represented. There were some who thought when they went out as consuls it was not necessary to be acquainted even with the language of the countries they were called to inhabit, and others who supposed that if they possessed a knowledge of the language of the country to which they were going it was quite sufficient, never once imagining that knowledge of the laws, manners, usages, customs, and commercial relations of the state in which they were to reside, was necessary to the protection of English subjects—for the assertion of their rights and the redress of their grievances. So far from England being worthily represented by her consuls, he thought that, with some honourable exceptions, she was very unworthily represented; but for this he did not hold the Queen's Government to be responsible any more than he did their predecessors. The system was the thing of which he complained, and in the present state of affairs, there were no means of rendering the system effective. Parliamentary influence in this, as in other cases, had exercised an injurious influence, and had led to the appointment, as well as to the continuance in office, of men wholly unfit to be consuls. But even if fit men were appointed their services were turned to small account, for the use of Parliament and the public. A voluminous correspondence was regularly forwarded home. That correspondence often contained important suggestions for the extension of our commercial relations, and valuable information on many important topics—but it remained useless in the Foreign Office, except in those rare instances in which some portion of it might be called for by a vote of that House. He conceived that every part of that correspondence, capable of furnishing useful information and not containing any matters which required secrecy, ought to be regularly laid on the Table of the House. Something had been said with respect to our consuls in the Levant. In that part of the world our consuls were charged with very important functions. They were magistrates,—and judges, having the power of fine and imprisonment, and often called to decide in cases of great delicacy and pecuniary importance. An ignorant and untrained man was surely not competent to settle the differences in which our merchants were occasionally involved. There was no code of laws to which consuls could refer for their guidance, and the consequence was, that they were frequently guilty of arbitrary and irregular acts that subjected them afterwards to serious consequences. There was a gentleman, now an exile from this country, to which he dared not return in consequence of having illegally arrested a man in Egypt. At various ports they were in the habit of deciding quarrels between masters of ships and their crews, and taking upon themselves the responsibility of throwing men into prison, frequently calculating upon the ignorance of the persons they illegally committed, to escape the consequences to which their illegal and despotic acts rendered them liable. One consequence of the ignorance of a consul was known to him in which the party lost his life in consequence of not being able to make himself understood by his own servant. The hon. Gentleman had alluded to his report on the Island of Candia. He said, that the consul had furnished the information. This was most true. He (Dr. Bowring) had not visited the Island of Candia, but he received a very valuable report on the commerce of that island. He had an opportunity of ascertaining the value of the document from the governor, Mustapha Pasha, a very remarkable man, who had been continued in authority by the Porte, and he had inserted that document, stating from whom he received it. The hon. Gentleman had spoken somewhat less scornfully that night than on a former occasion, of some of his reports, but he seemed to censure those relating to Tuscany and Lucca; now those reports had been translated into Italian, under the licence of the Tuscan Government, and he had received from the authorities of those countries high testimonies of their value. It was not for him to justify the conduct of the Government which he had been called upon to serve, though he was bound to say, that he had felt exceedingly flattered by the appointments they conferred upon him. Possibly he had received them because there was some difficulty in finding persons who would undertake thoseambulatory duties; and the right hon. Baronet knew that it had been very much the practice in modern times to select one individual to attend to particular pursuits, because their exertions being confined to a definite subject, their services were likely to be more effective, and their information more correct, than those of parties engaged in other matters. The hon. Gentleman had referred to the system of French accountancy in a manner that made it appear worthless; but it had many advantages which he had overlooked, and many of its improvements had been adopted by our own authorities. There were securities for the public revenue which our practice had not sanctioned, and it was through the neglect of their own authorities that Kesner's fraud had been committed. But a man in Kesner's position would in this country have been enabled to practice far more extensive frauds than he had done in France. Every person through whose hands the public money passed ought to deposit an equal sum to that under his control in the hands of the Receiver-general, and had the system been fully carried out, the loss by the defalcations of M. Kesner would have been less. The hon. Gentleman had alluded to the exertions of an hon. Friend now in the upper House, and himself, during the early negotiations relating to the French tariff. Some progress was made even at that time; for when the Earl of Clarendon and himself first became commissioners, the annual value of British manufactures exported to France was less than 400,000*l.* a year, but by the modifications they introduced they were fortunate enough to treble that amount. It was not for those who were opposed to the principles of free trade to complain of the protective systems of other countries, but he was sure that liberality at home would necessarily lead to corresponding liberality abroad.

Sir *R. Peel* had a very few words to address to the House upon this subject. As much of the speech of the hon. Member for Shrewsbury, who had brought forward the motion, referred to the cases of particular appointments which were made during the period when he was entirely unconnected with the control of public affairs, of course he was unable to speak either of the motives which led to those appointments or of the qualifications of the gentlemen upon whom they were conferred. He must therefore confine himself to the general question involved in the motion before the House. He looked upon that motion as implying a direct opinion, and as requiring the House to affirm that opinion,—

> "That great inconvenience and injury to the public welfare have arisen from the civil affairs—(meaning the diplomatic and commercial affairs)—"of her Majesty in foreign countries being carried on by two distinct services; and that with a view of advancing those commercial interests which at this moment so much occupy our consideration, it is expedient that measures should be forth-

with taken to blend the consular with the diplomatic body."

That was to say that the House was to express an opinion, without qualification or reserve, that the diplomatic and consular functions ought to be united in the same person. He was not prepared to give his assent to that proposition. He was not prepared to affirm, without qualification or reserve, that in all cases diplomatic and consular functions must necessarily be united in the same individual. On a question of this kind one might naturally be induced to refer to authorities; but no authority could be found showing that the union of those functions was necessary, except the speech of the hon. Gentleman, because in the year 1825, this very question occupied the attention of two men, eminently qualified in their respective departments to form an opinion upon it. Had he then been asked to name two men who were most competent to give judgment on this question—whether it was desirable or not, that the diplomatic and commercial functions should be united in the same person, he should certainly have named Mr. Canning and Mr. Huskisson. Yet he found that a bill had been brought in, which immediately regulated the performance of the consular functions, under the auspices of those two eminent and competent men, and who must therefore have had the question under their peculiar consideration; and it was quite clear from that circumstance that their opinion was, that the consular and diplomatic functions might with advantage to the country be disunited. Some years elapsed and a committee was appointed to consider the state of the consular functions, and in the list of that committee were the names of individuals perfectly qualified for the task. There were the names of Viscount Palmerston, Viscount Lowther, Sir J. Graham, Viscount Sandon, Sir H. Vivian, and Mr. P. Thompson, and many names of men connected wih trade and commerce—namely, Mr. Hutt, Mr. Warburton, Mr. Crawford, Mr. Stuart M'Kenzie, Dr. Bowring, Mr. C. Fergusson, Sir S. Canning, &c. The committee sat and received evidence upon the subject, and in the course of their proceedings the question was discussed, whether it was necessary to unite the diplomatic and consular functions; but the committee in their report expressed no opinion in favour of that proposition. On the contrary, the consideration of the committee was directed to the question, whether or no the consuls should correspond directly with the Board of Trade, and whether they should be placed under the superintendence of that board, or whether they should continue under the superintendence of the foreign department. The opinion of the committee was against any change, for it was felt to be of the greatest importance that the consuls should continue under the superintendence of the Foreign Department; and although the question of uniting the two functions in one person was discussed in that committee, composed of men perfectly qualified to give a decision upon it, they abstained from expressing any opinion wha - ever thereon. As far then as authority went, the authority of the House of Commons appointing a portion of their body to consider the subject, there was nothing in favour of the motion of the hon. Member. And he (Sir R. Peel) thought the House of Commons ought to pause before, in a matter of this kind, they affirmed the abstract proposition submitted to them by the hon Member. True, there might be men in the consular department well qualified for their duties, who, under some circumstances, might be employed in diplomatic affairs; and at the same time men might be employed in diplomatic negotiations to whom it would be unsafe to intrust commercial interests. Upon that ground, then, he was not prepared to assent to the proposition. It appeared that in France there were consuls at the following places:—Calais, Boulogne, Havre, Brest, Nantes, Charente, Bordeaux, Bayonne, Marseilles, Toulon, Cette, &c. Now, it did not seem to be absolutely necessary for our commercial interest that there should be consuls or vice-consuls at all these places for diplomatic purposes, but he could understand why they should be required for commercial purposes in every one of those ports, assuming, of course, each individual to be qualified for the performance of his duties. But he should tell any one of those persons, that he was overstepping his province if he attempted to interfere in diplomatic matters; nor would it follow, that because he might think it necessary to have in thirteen or fourteen trading ports British consuls watching over British commerce, he must therefore have them there for dplomatic purposes also. Both with regard to America and France, he might show the necessity of having consular establishments for commercial advantages without at all involving the union of diplomatic functions. So with regard to Warsaw, Archangel, Memel, Dantzic, Konigsberg, Odessa, Taganrog, Riga, Libau, or other places where there might be diplomatic functionaries, who, according to the hon. Gentleman, ought to be made consuls, and exercise the powers of both offices, he (Sir R. Peel) must still contend that they ought to be kept separate and distinct. At the same time he was not prepared to contend for the opposite principle, that in no case should the consular and diplomatic functions be united. There were cases in which they were blended, and in which they might be, and ought to be, so blended, when it could be done with propriety and with saving of the public charges: but it was impossible to lay down any general rule. In some cases, as in Egypt and Syria, for instance, they discharged diplomatic functions very properly; but it must left to the Foreign Department to determine in what cases the two functions should be separated, and in what they should be united. In every case in which they could be united they ought to be, provided it produced a saving in the public expenditure. He did not at all conceal from himself, nor would he wish to conceal from the House, the importance of this subject; and he could not deny the statement of the hon. Gentleman, that there was a tendency in persons who were disqualified for other appointments, in consequence of there being no express conditions laid down, to apply for consular appointments. He, therefore, must say, considering how important it was to the merchants and trading community of this country that persons should be appointed to these consular offices who were fitted to perform the duties of those offices, he could only express a general opinion in favour of the adoption of the principle in particular cases, and state, on the part of the Government, that the union of the consular and diplomatic functions should be inquired into and well considered; and that where that union could, with effect, take place it should be allowed. He was glad, also, to make this public advertisement to those who might hereafter apply to him—that he would not interfere on political grounds with any consular apointment whatever; and, moreover, he publicly declared, that there was too great a disposition on the part of those who were disqualified for public situations, to expect consular appointments, and that he thought the disqualifications of all applicants for such offices ought to be inquired into and scrutinized, and that no appointment ought to be made, unless it could be vindicated on the ground of the commercial knowledge and ability of the parties. He hoped this announcement would be taken as his answer to all the applications he had hitherto received and had not answered, and if it should operate as a preventive against the repetition of similar applications, he should consider himself most amply compensated for his trouble. He would leave the noble Viscount to deal with the personal part of the question, and should he think himself called upon to do so, to justify his appointments while acting as Secretary of State for Foreign Affairs; it was not in his power to assist the noble Viscount. As far as he could he would secure a full consideration, as the appointments fell in, of the propriety of uniting both functions, the opportunity of doing which he believed could not be of frequent occurrence. In conclusion, he hoped the hon. Gentleman would not call upon the House to confirm his abstract proposition; for it was not a motion for inquiry, or for referring the matter for consideration, but calling for a declaratory opinion. If, therefore, the hon. Gentleman pressed his motion to a division, he should consider it his duty, with the full conviction that he was pursuing a sound constitutional course, to offer his negative to the proposition.

Viscount *Palmerston* had been anxious that some Member of the Government should express his views upon the subject, before he addressed to the House the few observations he had to offer, because the speech of the hon. Gentleman, although it was principally intended as an attack upon the course which he (Visct. Palmerston) had pursued when he held the office of Foreign Secretary, yet it ostensibly aimed at change in an establishment for which he (Visct. Palmerston) was no longer responsible. He agreed with the right hon. Baronet that no grounds whatever had been laid by the hon. Member for the proposition he had made. Indeed he (Visct. Palmerston) must say that he had never heard a speech so little supported even by assertion, far less by proof, than that which had been delivered by the hon. Gentleman. The hon. Member had told the House, that for a length of time he had had his attention steadily fixed upon *Gazette* after *Gazette*, and that the whole of his attention had been directed to the appointment of consuls. But, however extensive the information to be derived from newspapers, the study of *Gazettes* is not equally profitable with a view to the enlargement of the mind and the improvement of the understanding. If the right hon. Gentleman had taken the trouble to study the writers on the law of nations, and had gathered together proper materials for throwing a light upon the subject, instead of watching with such sedulous attention the appointments of consuls as they appeared in the *Gazette*, he might possibly, with the ingenuity and talent he possessed, have furnished himself with better grounds for arriving at a full understanding of the subject to which his motion related. The object of the hon. Gentleman was to transfer the consular duties to diplomatic agents; and yet he told the House—and the impression appeared strongly fixed upon his mind throughout his speech—that the consuls had performed their duties well. The hon. Gentleman's speech went to approve the talent, zeal, and ability of the consuls, and he cast reflections upon what he was pleased to consider the incompetence of the diplomatic body; yet the object of his motion was to take the consular duties from a set of men who, according to his own account, had performed them well, and confer them upon a set of men who, according to his representation, were not capable of performing them. It was not necessary to enter into the general question, because it was plain that the proposition and motion were put forward merely to enable the hon. Gentleman to enter upon a detailed criticism upon certain appointments made by him, and in which he had not been so fortunate as to obtain the approbation of the hon. Gentleman. It was quite true, as had been stated by the right hon. Baronet, that every man thought he would make a good consul. He could fully confirm what had been stated by the right hon. Gentleman, that every man, whether he had been in the army or in the navy, or in private life—whether his pursuits had been mercantile or legal or simply those of amusement—seemed to think his former course of life exactly qualified him to become a consul. The applications for such appointments which he received when in office exceeded in number anything hon. Members could suppose. But this fact should induce Gentlemen to look with a little caution and suspicion upon complaints as to the appointments which had taken place, because when there was a great number of candidates, many of whom were necessarily disappointed, it naturally enough followed that the unsuccessful looked with jealousy upon their more fortunate competitors; and hence arose unjust and undeserved criticism upon those who succeeded in obtaining appointments. With regard to the proposition itself, he wondered that any one who had paid any attention to the subject should not perceive that from the nature of things it was impossible to carry it into effect. The proposition stated in the concluding part of the hon. Gentleman's speech was, that ambassadors and ministers should perform, at the courts to which they were attached, whatever consular duties belonged to that spot—that there should be, at all ports where there were consular duties to be performed consuls who should be converted into *chargés d'affaires*, and vice-consuls, who should be made diplomatic *attachés*. The proposal showed how little the hon. Gentleman understood the elemental principles of the duties of consuls. The character of consular duty differed in every respect from that of the duty of a diplomatic agent. Part of the duty of a consul applied to vessels coming into the port where he resided. He had to settle the disputes arising between the masters of those ships and their crews, and he had also to attend to complaints made by British subjects coming into port against the local authorities of the place. He was also, by law, charged with the duty of relieving distressed British subjects, and of making advances to enable them to return home. All these were not by their nature diplomatic duties. To diplomacy belonged the intercourse between nation and nation, and between the government of one country and the government of another. Consular duties relate to the intercourse between the subjects of one country and the local authorities of another. The two things were essentially distinct. It was quite true that in places at a distance from the residence of a minister, or in remote countries, in the capital of which there was no diplomatic functionary, the consul would often have to perform duties of a political nature. Therefore, it might be said, that the duties of the consul were in some special cases of a diplomatic character, but the great bulk of their duties was not of a political, but of a commercial nature, diplomatic agents being stationed where the government of each country resides are comparatively few in number, consuls being posted at all sea ports where much commerce is carried on are proportionably numerous. Hence the adoption of the hon. Gentleman's proposal would lead to the appointment of some *chargés d'affaires*; at every commercial sea port with which we trade, and was it to be supposed that any foreign government—say that of France would like such an arrangement? But of course such a practice if introduced by us must be reciprocal, and would it be tolerated by us that every foreign country should so multiply in England diplomatic agents who were not removable as consuls were? [Sir *Robert Peel*: France wished that in 1803.] It was true, as the right hon. Gentleman had said, that after the peace of Amiens the government of Bonaparte wanted to send a number of military persons in a mixed diplomatic and commercial character to the outports of this country, but the English Government viewing the proposal with suspicion, and as a departure from international usage, would not permit the arrangement to be carried into effect. The diplomatic agent acts by letters which accredits him to the government with which he communicated: he remains at the pleasure of the government which sent him, and nothing but the interruption of friendly intercourse between the two countries could justify sending him away. But the authority of consuls was very different, for they act, not only by the authority of their own Government, but in virtue of an *exequatur* of the government of the country in which they are stationed, and which *exequatur* might at any time be withdrawn. The object of this was to prevent consuls from engaging in objectionable transactions, and to place them in some degree under the control of the government of the country where they reside. The hon. Gentleman however would convert all consuls into *chargé d'affaires*. Now, in the first place, there was no such thing as a *chargé d'affaires* in a country where there was a minister. The *chargé d'affaires* was a substitute, who acted for the minister in his absence, and the co-existence of the two at the same time and at the same court, or in the same country was incompatible. The hon. Gentleman, however, would not only make that incompatibility exist, but he would give some twenty or thirty *chargés d'affaires* to places where they could have no opportunity of communication with those whom they ought to communicate with. The plan proposed by the hon. Gentleman was founded on so perfect an unacquaintance with the elements and principles of diplomacy and of the consular service, that if the hon. Member had bestowed even upon the report of the committee which had sat to inquire into the subject a few years ago the same attention which he had lavished upon the *Gazettes*, he would have obtained sufficient information upon the question, to have convinced him that the two services were totally different. At the same time, it was right to say, that there were cases, as the hon. Gentleman had admitted, in which the two functions were combined. The first was the case of a country in which we had no separate diplomatic agent, and in which, from motives of economy, the consul resident there was invested with a diplomatic character. Another case was, where a consular agent was appointed in the remote provinces of a larger country, and where questions arose with the local authorities, and time did not permit a reference to the minister in the capital, and where consuls were, consequently, often called upon in cases of emergency to perform duties of a diplomatic nature. Such was the case in Syria, Servia, and other places holding relations with the Turkish empire. The executive Government had not been inattentive to the general principle advocated by the hon, Gentleman, when it could be carried out compatibly with the nature of things, and the Government had, from motives of economy, where it was possible, invested with a diplomatic character the commercial agent who fulfilled the consular duties; but in all these cases the practical application of the hon. Gentleman's principle of combination was exactly the reverse of that which he now proposed; for whereas he wanted to transfer consular duties to diplomatic agents, diplomatic duties had, in all these cases, been imposed upon consular agents. The hon. Gentleman had rendered a deserved tribute to the consular agents in the Levant, for the manner in which they had performed duties of a superior character to those which properly belonged to them, but their example only made against the hon. Gentleman's present proposal. He must here state, that he did not admit the ground taken at the onset by the hon. Member. The hon. Member said there were two species of duty—the commercial duty, which was considered inferior, and therefore performed by inferior agents; and the diplomatic duty, which was superior, and performed by superior agents—to this distribution the hon. Member had objected, saying, that he could not admit, that the interests of commerce were inferior in importance to the transactions of diplomacy. It might be an entertaining question for the hon. Gentleman to discuss, which of the two was the greater interest; but he would only say, that there was this distinction between the two duties—that upon diplomacy depended the intercourse between nations and the settlement of questions involving the vast consideration of peace or war; whereas in commercial intercourse those graver issues did not arise, and any dispute that might spring up upon commercial matters must become the subject of diplomatic communications before war was decided upon. With regard, however, to the Levant consuls, nothing was left for him to do but to confirm the statement of the hon. Member himself, that they had performed in a highly creditable manner those mixed duties, which the hon. Gentleman wished to take wholly away from consuls, and to impose upon diplomatic agents. The hon. Gentleman had admitted, in the case of America, that the Government had carried out his principle as far as it could do so with propriety. In 1831 and 1832, the hon. Gentleman admitted—though he was not quite right in his fact, for it was not at that period the arrangement was made—that the Government had appointed, in the South American States, consuls with the character of *chargés d'affaires*, instead of diplomatic agents. That had been done from motives of economy. In South America, it was true, our political interests were secondary to our commercial, and most of the questions which arose had reference to the commercial intercourse of our subjects with the inhabitants and governments of those states. Therefore he had not felt, with respect to South America, that there was a paramount necessity for having purely diplomatic agents or ministers there; and he had conceived it would be well to consult economy by giving a diplomatic character to the consuls. But the hon. Gentleman found himself not quite right in the information he had received relative to the course pursued by him, when he said that he had begun upon that system, and had afterwards changed it, that he had first appointed consuls-general, then recalled them and appointed ministers; and then recalled the ministers, and appointed consuls-general for the purpose of obliging political friends. The hon. Gentleman had indeed affirmed the general principle, that political adherents ought to be rewarded by appointments, and he regreted to observe an exception to that rule in the person of the hon. Member himself. After the proof, however, of talent and ability, which the hon. Gentleman had afforded, although, perhaps, not of great industry in getting up the details of his case, he trusted, that before the end of the Session, the Government would overlook the slight want of industry for the sake of the talent, and that the House would see the maxim of the hon. Member practically applied to his own case. With respect to Colombia, it was formerly one united state; but as the hon. Gentleman well knew, it had since been divided into three smaller states, namely, New Granada, Venezuela, and the Equator. A minister to the old state had been appointed by one of his predecessors in in office, and upon the division of the state into three, he did not appoint any new minister to the two new states, because he thought, that circumstances did not warrant him in incurring the expense, and because he considered, that in those states a combination of the diplomatic with the consular duties would be sufficient. The same principle had been adopted in the cases of Peru and Chili. He had left the minister he had found in office at Bogota, the capital of New Granada, because he had confidence in him; but that minister came home upon leave, and after he had been here about two years he intimated his wish in consequence of ill health, not to return to his post, but to retire upon a pension. He had retired upon his pension, and the fact was not, as stated by the hon. Gentleman, that he had brought him home for the purpose of dismissing him. At the same time, however, he had taken advantage of that gentleman's retirement to apply to New Granada the same principle which had been adopted in Chili and Peru, and to abolish the mission, and to substitute for the minister a consul-general with the rank of *chargé d'affaires*. There had been a secretary of legation there also, and he was transferred in the same capacity to another mission, so that gentleman was provided for without expense to the public. With respect to what had been said by the hon. Gentleman relative to the gentleman who had been appointed consul-general and *chargé d'affaires* at Bogota, he would say, that gentleman was perfectly fitted by his talents and industry to fill the post. He was without fear or apprehension as to the result of that appointment, and he was convinced the duties of the office would be performed in a manner that would win the approbation even of those who had no share in the selection of that gentleman. As to the allegation of his not understanding the Spanish language, he must say, that with regard to those countries the language of which was not much cultivated here, if no persons were to be appointed who did not understand the tongue, the choice would be so limited that the public would often lose the benefit of those talents and habits of business which were of more importance than the previous knowledge of language. Languages might be easily acquired, especially Spanish, which might be readily learned by those who, like the gentleman appointed to Bogota, understood French, and Italian, and Latin. In the case of South America, he had adopted the principle of the hon. Gentleman, because there diplomatic duties might be combined with the consular; but he had inverted the proposition, for he had not given consular duties to persons previously established as diplomatists, but had confided diplomatic duties to consular agents. It was well known that considerable saving of expense was effected by that arrangement. The hon. Gentleman, flying from time to time with the rapidity of thought, and from region to region, in every one of which it had been his misfortune to incur the disapprobation of the hon. Gentleman, got at last into Egypt, and mentioned the name of a worthy gentleman, Mr. Barker, for whose appointment he was not responsible. With regard to Colonel Campbell and Colonel Hodges, were consuls-general at Alexandria after Mr. Barker, those were appointments upon which he prided himself, so far from thinking it necessary to offer any excuse. The hon. Gentleman had said, that Colonel Hodges began his career in Portugal. He had done so; he had served with great distinction in that war which had placed Donna Maria upon the throne, and he was yet to learn, that the display of great energy of character, firmness, and gallantry, together with qualities that earned for him the esteem and affection of the troops under his command, rendered that gallant Gentleman unfit for the duties which had been entrusted to him. The hon. Gentleman was misinformed relative to the course of affairs in Servia, and he felt it his duty to contradict the assertion, that the dissensions and convulsions there had been fomented by the British consular agent. He said, then, that the appointment of Colonel Hodges to the consular office in Egypt, was one upon which he took some pride to himself; and so far from feeling that he had any thing to apologise for in regard to that appointment, he was satisfied in his own mind, that he had only done that which was good and proper for the public service. The able manner in which Colonel Hodges performed his duties in Egypt, led him to transfer him afterwards, when a vacancy arose, to the mixed diplomatic and consular office at Hamburg. This was another case in which the House would perceive, that the late Government had virtually pursued the system recommended by the hon. Member. They had done so in many instances where they felt that such a course could be adopted without disadvantage to the public service. Hamburg being a limited state, it was thought, not indeed by him, but by those who went before him in the same office, that the diplomatic interests of Great Britain in that state might well and safely be placed in the same hands as those which directed the consular service. With regard to Mr. Wood, another person who had fallen under the animadversion of the hon. Member, he was at loss to understand whether the hon. Member praised or blamed him. He fancied, however, that he praised him. [Mr. *D'Israeli:* No]. Oh! the hon. Member blamed him. [Mr. *D'Israeli:* No]. Well, at all events the hon. Member mentioned Mr. Wood at some length, and seemed to think that he had exceeded the line of his duty. Now the fact was, that Mr. Wood was not consul when he first went to Syria; he was dragoman at the Porte, and went to Syria entrusted with a mission from the Turkish government. The services he performed there, were very important to the cause in which he was engaged. Whether the hon. Member regretted the expulsion of the Egyptians from Syria he knew not, but those who thought that the system of policy which led to that result was a good one, and that the object aimed at was one that conduced to the interest of this country, would be of opinion that Mr. Wood had rendered very useful and very important service towards the accomplishment of the end in view. Again, the hon. Member spoke in terms which he thought might well have been spared with regard to the appointment of the British consul at Leipsic. The terms which the hon. Member applied to that appointment were not usual in that House, and he thought that the hon. Member's good taste might have led him to abstain from the use of them, unless, indeed, he had the strongest grounds to justify him in employing them. He knew that the consul had had some differences with some of the local authorities at Leipsic. How far those differences were attributable to any fault of the consul he could not tell, but this he could say of him, that he had given very full and very useful statistical information with regard to the commercial interests of this country in relation to the district in which he was stationed. The hon. Gentleman then went into a general condemnation of the system which had been pursued by the late Government (and pursued, be it remembered, also by the present Government) of sending, for special purposes, special commissioners to inquire into and report upon important matters connected with statistics and commerce. Upon that point, he could only say that, upon the fullest consideration and reflection, he was perfectly satisfied that that practice was a useful and a proper one. It was all very well to say, "You have a consul here, and a minister there, and an *attaché* at another place; and if these gentlemen are not fit to send home to the Government such accounts as may be wanted relative to trade and commerce in the countries in which they are stationed, they are not fit to be employed." It was all very well for an hon. Member to get up in that House and make such an assertion; but he denied its correctness. He maintained that a man might be a prudent and excellent minister, a prudent and excellent consul, or a well-deserving and promising *attaché*, and yet not have that particular knowledge connected with the detailed arrangements of our manufacturing and commercial system which would fit him to acquire information that would be useful to the Government at home. It was not mere industry that enabled a man to acquire useful information. The hon. Member had that evening made a speech exhibiting considerable industry on some points, but a lamentable want of such information as would enable him to support his motion. He contended, that when a person like his hon. Friend (Dr. Bowring) was sent upon such missions, being, as his hon. Friend was, intimately acquainted with the details of our manufacturing system, and with the arrangements of our commerce, and having no other duty to perform than that upon which he was specially engaged, not being tied to one spot, as a consul or diplomatic agent necessarily was, but enabled to go from point to point to acquire the information for which he sought—he contended that such a person was far more likely to collect valuable information than one whose duties fixed him to the capital or to one of the sea-ports of the country in which he resided, and who therefore had never by habit or occupation been led to bestow attention to the matters which the Government for a particular purpose might require him to report upon. Were we the only people who took this course? Was the Government of England singular in appointing these special commissions? Far from it. Take the mission of his hon. Friend to Prussia, to make inquiries and acquire information with regard to the commercial league in which that country was engaged. Was England the only country that sent persons specially to Prussia for the same purpose? Did not the United States of America and the government of France, both send special commissioners to acquire the same information which the Government of England was desirous of possessing. Those countries both sent special commissioners, although they had at the time very able ministers resident at Berlin. The United States had there as minister a most eminent man—a man whose name was known all over the world—Mr. Wheaton. France had an able minister resident there, in the person of M. Bresson. Again, some years ago the Government of England sent special commissioners to Paris to inquire into the mode of keeping public accounts in France. France returned the compliment, and sent a special commission over to this country to investigate our system of customs. That commission was composed of very able men, and they furnished their government with a valuable report. The United States of America also sent commissioners to more than one country in Europe to obtain information with regard to the post-office system. Therefore, if the late Government of England was wrong in this respect, it was at least wrong in good company. It was wrong in company with the right hon. Baronet, and with the governments of France and of the United States of America. And he maintained that such a system, so far from casting any imputation or reflection, as the hon. Member intimated, upon the capacity of our foreign ministers, diplomatic functionaries, or consular officers, was only a proof of the desire of the Government to obtain the best and most accurate information by all the means which they had at their command. But the House would be very much deceived if it thought—as seemed to be implied by the speech of the hon. Member—that the consuls did not periodically report to the Government at home important information, statistical and commercial; for it was the duty of every consul at the end of the year to send home a full report of everything connected with the trade, commerce, manufactures, agriculture, and general resources of the district with which he was officially connected; and there was not one of the mistakes made in the speech of the hon. Member greater than that by which he seemed to suppose that these reports of consuls were not read by the Secretary of State. He, for one, could assure the hon. Member, that during the time he had the honour of being at the head of the Foreign Department, he had read every report, every letter, and every despatch received from these officers abroad, from the most elaborate report of the highest consul-general, down to the least important letter of the lowest vice-consul. Very laborious reading it was—reading that took up a great many hours of his time—but, scattered through the voluminous papers that thus came under his eye, he found many very important matters, with which it was his duty to be acquainted; and he further assured the hon. Member and the House, that there was no greater mistake in the world than to suppose, that because there was a person in the Foreign Office denominated the superintendent of the consular department, whose duty it was to receive, register, and arrange these reports and despatches—to send them to the Secretary of State—to receive his directions in reference to them, and to see those directions properly executed, there was, he said, no greater mistake than to suppose, that because such an officer existed, the Secretary of State himself did not give the same minute, detailed, and uninterrupted attention to these matters as to the other duties of his office. He really believed he might say, that the consular correspondence amounted to one-half of the whole correspondence of the Foreign Department. It went into matters of every sort and kind—matters relating to statistics and commerce, private claims, questions between the consuls and the local authorities, political events, matters, in short, of the most various interest, and which it was impossible for the Secretary of State not to attend to with minuteness. The hon. Gentleman thought that it was wholly unnecessary to send the person who was deputed to the court at Naples, for the purpose of investigating and settling the changes which were at one time to be made in the tariffs of that country and of England; and he was pleased to speak rather slightingly of our present minister at Naples, who had the misfortune, in the hon. Member's opinion, of being related to him. Putting the relationship out of view, and speaking of the British minister at the court of Naples, as he would speak of any other person engaged in the public service of the country, and especially in that department of it over which he had had the honour for some years to preside, he would not hesitate to say that that minister had always performed his duties with ability and zeal upon every occasion upon which he had been called upon to act. He hoped he need not assure the

House that he should not say this unless he really thought it, and his official duties had given him the means of judging. The hon. Member's censure in this instance had been totally misplaced. The minister at the court of Naples happened to be at home on leave of absence, after five years residence abroad. At the time when Mr. M'Gregor was sent to Naples, there was then a *chargé d'affaires* at Naples who officiated during the absence of the minister. What was Mr. M'Gregor sent for? Really it would save the hon. Member and those who had listened to him and had to answer him, a great deal of very valuable time if the hon. Member would make himself better acquainted with facts before he entered into the discussion of questions of this nature. There was a question about a commercial treaty between Naples and this country, and preliminary negotiations had been entered into with the Neapolitan government for the conclusion of the treaty. One article of the preliminary negotiation went to this, that a certain tariff for the Neapolitan customs should be agreed upon, and annexed to the treaty, and should not afterwards be changeable except upon a mutual understanding between the governments of the two countries. Mr. M'Gregor was sent out to settle with the minister at Naples what the changes in the Neapolitan tariff should be; and the English Government certainly thought that they could not employ a better person for that purpose than one who was connected with the Board of Trade, and who had a practical knowledge at his fingers' ends of the whole of the details of our own tariff, with which that of Naples must necessarily, in such a negotiation, be much connected. It was impossible to suppose that the *chargé d'affaires* or the consul in Sicily could have been so minutely, so accurately, and so thoroughly informed of the details of the English tariff, and the bearing of the Neapolitan tariff upon that of England, as to be able with an equal chance of success to conduct the negotiation, and conclude the arrangement to be effected between the two governments upon this point. Mr. M'Gregor performed his duty, but afterwards went on to discuss questions connected with the treaty itself, which he was not authorised to do, and for which he had no instructions. Therefore, as might be expected, some of the arrangements proposed by him to the Government at home on his return, and which were inconsistent with the instructions meanwhile sent out to the diplomatic agent who had the conduct of the negotiation, did not receive the sanction of her Majesty's Ministers, and, consequently, fell to the ground. Other difficulties afterwards arose with regard to the sulphur monopoly, and thus the treaty, he believed, had not, to that day, been concluded. Then, said the hon. Member, "Why send Mr. M'Gregor to Sicily? Would not our consul there have given all the information that was required." [*Interruption.*] He was not at all surprised that details of this sort should not attract the attention of the House; but a very dry, a very irksome path had been chalked out for him by the hon. Member (Mr. D'Israeli), and he must pursue it. He was saying that the Government having sent out Mr. M'Gregor, in order to revise the Neapolitan tariff, naturally expected to receive from him on his return, a more detailed account by verbal information about the sulphur question than could be well given in written despatches. It was therefore the duty of Mr. M'Gregor to go to Sicily to inquire minutely into all the circumstances of the sulphur trade, in order to enable the Government at home to judge more accurately of the claims of British subjects upon the Neapolitan government. He believed that those claims were now settled, and that most of them, in consequence of the information obtained by the Government agent, were reduced to a much more moderate amount than the original demand. The hon. Member found fault with all these appointments. He could only say, that while it was his duty to submit the names of persons to the approbation of the Crown for the appointment of consul, he had always chosen those whom he thought upon the whole most competent to perform the duties of the office. There was no particular education for a consul. There could not, by possibility, be any specific education for such an office; because the duties varied according to the place and the country in which the consul had to act, and from time to time, according to the circumstances under which he might be placed; but, upon all occasions, he had chosen, in each separate case, the person whom he thought best fitted to perform the particular duties of the post to which he was to be attached. And he now felt it to be his duty, in justice to the consular body which had been so much censured that evening, and which it was too much the fashion to censure in that House, whenever their appointments were referred to—to say, that as far as his experience went, they had always acquitted themselves well, and had faithfully executed the duties imposed upon them. Nothing was so easy as for an hon. Member to get up in that House and say, that the consular body or the diplomatic body was ignorant and ill-informed. These things were only said by Gentlemen who were themselves totally ignorant of the whole matter upon which they were talking. He (Viscount Palmerston) felt it to be his duty to say, that although a person here or a person there might be less able or less competent than others, yet that taking the consular body as a whole, there was not a more able or efficient body in the service of any country in Europe. Personally he had felt greatly obliged to them for the assistance which they afforded to him whilst he had the honour of holding office under the Crown, and he thought that they had rendered, and were still rendering, very important and very valuable services to the country. As to the Government of this country being ill informed upon matters going on abroad, he could only say—speaking with some knowledge of the fact—that he was convinced, taking the consular and diplomatic bodies together, that the Government of England had, during the time that he had the honour of being connected with it, been better informed than the government of any country in the world. That assertion was perhaps a bold one; but he made it as expressing his deliberate and decided opinion. The motion of the hon. Member being, as he believed it to be, only an occasion upon which he might retail all the lamentations and complaints which the hundreds of disappointed candidates for consulships went about venting, to the disparagement of their more successful competitors, it might have been sufficient for him to have gone through the list of charges made directly against himself, without even reverting to the motion which the hon. Member could never have entertained an expectation that her Majesty's Government would support. He thought he had shown that that part of the system which gave to consular agents, where it was possible with any propriety, diplomatic functions, had been followed out by the late Government with great advantage to the country in point of economy. He had shown also he thought, that in regard to the motion itself, it would not be possible to adopt it consistently with international usage; that it could never be carried into effect, unless the whole world could be persuaded to alter long-established customs; and that even then it would be attended with inconveniences of which the hon. Member could hardly be aware. But it came across him that there were two persons whom the hon. Member had particularly criticised, and in reference to whom it was, therefore, necessary that he should say a few words. The hon. Member said, that we had, indeed, a consul-general appointed at Venezuela, but some cause having arisen to require his services, it was discovered that the consul-general was living at St. Petersburg, and the vice-consul dying at Liverpool. What was the fact? The consul-general at Venezuela, Sir Ker Porter, had been, for several years, resident in that country; he applied for leave of absence, which was granted; but Sir Ker Porter abstained from availing himself of it until he had concluded a treaty in which he was engaged, for the suppression of the slave-trade. That treaty concluded, he availed himself of the leave of absence which had previously been granted him. "But then," says the hon. Member, "he is living in St. Petersburg." No doubt of it—for it happened that the members of his family whom he was most anxious to see, and for the sake of seeing whom after so many years of separation, he had asked for his leave of absence, were residing at St. Petersburg, whither he at once repaired, instead of remaining in this country. Sir Ker Porter was a most able and valuable public officer, and had been longer at his post than most other public servants. The consul at Porto Cabello, as had been stated, died at Liverpool. Who had since been appointed? Mr. O'Leary! a gentleman whom the hon. Member described as a naturalized subject of a South American state, one who spoke the language of the country to which he was appointed, and had an intimate acquaintance with its people. "How," said the hon. Member, "could you appoint a man who speaks Spanish, who knows by long residence a good deal of the country, a good deal of the people, and a good deal of the interests he has to protect." Why, really he must ask the hon. Member to give up either his complaint against the consul at Bogota, who knew nothing of the language, nothing of the people of the country in which he was appointed to reside, or else his condemnation of the consul at Porto Cabello, who was thoroughly informed on all these points. He gave the hon. Member his choice—one or the other he must throw over. The facts connected with the two cases were so contradictory, as to render it impossible for them to be combined, as the hon. Member would combine the two distinct and different offices of diplomatic agent and consular agent. The hon. Member must consent to a separation of the two cases; his argument could not perform double duty? Who was Mr. O'Leary? A British subject, who, by long residence in America, had acquired the privileges of a South American subject—privileges not difficult of attainment; because, in some of the states of South America they were actually forced upon any person who had resided two years in the country. A quarrel between some of those states and France, in which England had in some degree participated, had arisen upon this very point—that they not only allowed, but compelled foreigners, after two years' residence amongst them, to assume the privileges of citizenship. It was therefore, no great matter that Mr. O'Leary should have obtained these privileges. It was true, however, that he had obtained them, together with great distinction, and high rank in the Colombian army, which, however, he has for some time ceased to belong to. He understood that Mr. O'Leary, or General O'Leary, as his Colombian rank would entitle him to be called, was eminently well fitted to take care of British interests at Porto Cabello; and he would give the hon. Member a piece of information which, with all his industry, he did not seem to have acquired (but which would have told wonderfully in his speech), namely, that this gentleman, knowing the language of the country, and having an intimate acquaintance with the people, was actually doing duty as consul-general in the room of Sir Ker Porter during his absence. He should not trouble the House any further. He thought he had gone through the list of those whom the hon. Member meant to make the victims of the evening's debate. He hoped the House would judge of those whom he had omitted by the defence he had made of those whom he had mentioned. He remembered nobody else to whom the hon. Member had referred; and he had only another word to add. It was perfectly fair, as political warfare was carried on in that House, for gentlemen on one side to attack those on the other. Anything personal to himself the hon. Member was fully entitled to urge, and to urge with any degree of antithesis, or epigram, or force, that he might think proper. As the right hon. Baronet (Sir Robert Peel) had said, although now out of office he was as fully bound to defend what he did whilst a minister of the Crown, as if he still held a seat in the Government. That was perfectly true, and he was undoubtedly a fair object of attack; but he must say that he thought it not a very generous, and certainly not a very becoming course for gentlemen in that House, for the purpose of attacking a political opponent, to draw into the discussion, and mark with their censure, the names of men who had no connection with the party conflicts which were carried on within the walls of Parliament—men sensitive about their character, more than Members of that House might suppose—men whose weight and influence in supporting the interests of their country abroad, depended very much upon the estimation in which they should appear to be held at home. He would have hon. Gentlemen reflect, that in making attacks upon such persons, they were inflicting deep wounds upon the feelings of men whom they could have no motive to attack; and were really doing an injury to the public service, by attempting to lower the character of persons who had most important public duties to perform abroad. Therefore, continued the noble Viscount, I would say to the hon. Member, that in future I beg he will turn his steel upon me. Here am I who did it. Let him attack me as much as he pleases. But let him permit me to entreat, on the part of those who are serving the public in official situations abroad, that he will be as sparing as possible of their feelings; and if in any case he should feel it his duty to embark in a crusade against any of them, that he will at least take pains to be quite sure that the information upon which he founds his charge is thoroughly correct before he says that which, going forth to the public, must inflict pain upon those who deserved no censure, and must hazard a material injury to their efficiency as servants of the public.

Mr. *Smythe* begged to allude to the high praise which had been bestowed upon the consular body of this country. The observations made by the noble Viscount were confirmed by those of Mr. M'Culloch, who spoke in high terms of our consuls. He thought, however, that more pains might be bestowed upon these departments, which would render them of greater service to the country they represented. If proper attention had been paid to the consular establishments of this kingdom, the hon. Member for Bolton might have received an appointment—

"O, fortunatam natam me consule Romam."

He agreed so far with the hon. Member for Shrewsbury in thinking, that a great improvement might be introduced into this body. The noble Viscount opposite might well seem surprised at the numerous faults which had been found with this body by the hon. Member for Shrewsbury. It appeared to him, however, to be something like a new edition of a very entertaining work, which was very well known by the title of "Captain Bobadillo." He must say, that much of the retrospection of the hon. Member who had brought forward this motion was very old. That hon. Member had alluded to the case of the appointment of Colonel Hodges, at Alexandria. Why, he thought, that the hon. Member might as well have alluded to the case of Caligula's horse. Some hon. Members had spoken in terms of disparagement with respect to the Syrian expedition; but he certainly conceived, that the treaty of London redounded as much to the honour of Lord Palmerston, as did that of Nimeguen to one of his predecessors. He might observe with reference to the appointment of consuls, that at Venice where the consul had time to bestow upon trade, permission was refused him to engage in any business; while at Trieste, where the engagements of the consul were numerous and pressing, he was allowed to enter into trade. This, he conceived, was a state of affairs which required alteration. It had been said, that the object of our consular establishments was, that the consuls might gain commercial information relative to the places where they were stationed, which might prove beneficial to this country. He thought it was injudicious to permit a consul to engage in trade, for the authorities in the state to which he was accredited, might feel considerable delicacy in communicating to him information which might be used for his own private advantage. A person placed in such a position might also possibly become a bankrupt, or be involved in other misfortunes; and it was most desirable, that we should avoid the possibility of suffering the representative of such a country as this to be placed in so unfortunate a situation. He thought persons who were appointed to act as consuls should have as little connection as possible with the trade of the country in which they were stationed.

Mr. *W. Williams* wished to suggest to the Government the propriety of appointing a consular representative at Cracow. Austria, Russia, and Prussia had consuls at that place; and he thought, if we had had a consul there, its occupation by foreign troops, a few years back, might have been avoided. If such a measure were adopted, it would be regarded by the people of Poland as a manifestation of interest, on our part, in their favour.

Sir *W. Somerville* could not forbear saying a single word on the subject of the unworthy attack which had been made by the hon. Member opposite upon a gentleman who now held the office of Minister Plenipotentiary at the Court f the Two Sicilies, and which had been alluded to by his noble Friend below him in a manner, and with a delicacy, which he could well appreciate, but which did not sufficiently confute the statement of the hon. Member. He had had the honour of serving in a subordinate capacity with the gentleman alluded to, and he could bear witness to the zealous and talented manner in which he discharged his official duties. The hon. Member sought to convey to the House the impression, that the gentleman to whom he referred had been appointed to the diplomatic station he held, in consequence of his relationship to the noble Viscount. He would ask if that was really the case? The gentleman in question was one of the oldest diplomatic servants of this country; he had risen from the humble position of an *attaché* to the office he now held; and he thought he was fully entitled to the post which had been assigned to him.

Mr. *Ward* expressed a hope, that some practical benefit might result from this discussion, though he feared such would not be the case. He thought it most desirable, that endeavours should be made to promote the efficiency, as well as the economical management, of the consular service. He conceived, that the suggestions which had been made to-night, might be so far acted upon, that in places where there was a diplomatic mission, as well as a resident consul, the latter officer might be dispensed with, except at outports, where the commercial interests required great attention. The hon. Member for Shrewsbury (Mr. D'Israeli) had alluded to the ignorance of some consular officers of the language of the countries in which they were stationed; but he need scarcely say, that that was no uncommon occurrence. Lord Heytesbury, who was sent to Spain in 1822, at a time when our relations with that country were in a somewhat critical position, was unacquainted with the Spanish language; but was he prevented, by that circumstance, from accomplishing satisfactorily the objects of his mission? The facility of communication which was required might be readily obtained by means of trustworthy interpreters. It might be desirable, that some system of diplomatic education should be adopted, which might enable parties to acquire a knowledge of the language of countries to which they were sent out; but that was, he feared, an object which could not be attained. Diplomacy could not be made a profession to which persons who had a possibility of attaining eminence in other professions would devote their attention. The party in power found it necessary to appoint persons who were in their own interest to represent them at foreign courts; and, consequently, persons exercising diplomatic functions were also liable to be replaced by others, and could entertain slight hope of ever attaining to high distinction. He would not allude to any of the personal attacks which had been made by the hon. Member who had introduced this question; but he would merely add, that if the motion were pressed to a division, he would feel it his duty to vote against it.

Mr. *Labouchere* said, with reference to the remarks as to the inexpediency of maintaining a consul-general and a diplomatic minister at the same place, he might state, that it had been the rule of his noble Friend (Viscount Palmerston) to abolish, when practicable, the offices of consuls-general at all places where a diplomatic minister was resident. This had been done at Paris, at Madrid, at Mexico, and at Buenos Ayres. At several places, however, where British Ministers were resident, consuls-general were still stationed, in consequence of peculiar circumstances; as, for instance, at St. Petersburgh, where our extensive mercantile interests absolutely required the superintendence of such an officer.

Captain *Plumridge* was understood to express a wish, that the consuls at foreign ports were invested with a larger extent of power than they at present possessed.

Mr. *D'Israeli* in reply, said, that he must offer his acknowledgments to the noble Viscount for his courteous aspirations for his political promotion. Such aspirations from such a quarter must be looked upon as auspicious. The noble Viscount was a consummate master of the subject; and if the noble Viscount would only impart to him the secret by which he had himself contrived to retain office during seven successive administrations, the present debate would certainly not be without a result. He had felt some surprise to hear the noble Viscount lay down a position which was certainly new in parliamentary debate, that it was not allowable, under any circumstances, to question the personal merits or demerits of a person appointed by Government to exercise official functions. This doctrine was certainly novel. It had not been his wish to enter into personal details, or he might have adduced many cases in addition to those to which he had alluded; he had only referred to such cases in illustration of the principle for which he had contended. The noble Viscount had regretted his want of knowledge on this subject, and had recommended him to study the law of nations. If a study of the law of nations were only to teach him that a consul required an exequatur, the result would not be considerable. The observations of the noble Viscount had been virtually favourable to the principle to which he was desirous to obtain the sanction of the House. Indeed, every hon. Member who had addressed the House on this subject had admitted, in a greater or less degree, the propriety of that principle. The noble Viscount seemed to think that he had placed him in a dilemma in his two consul-generals, and the Spanish language; but the point of the noble Viscount's remarks was, that the Government were justified in appointing an alien to a consulship, provided he could only speak Spanish. He begged to remind the House that though he had mentioned in detail eight or ten cases, not one of the statements he had made had been questioned by any hon. Member, or even by the noble Viscount. On the contrary, the noble Viscount had admitted the correctness of all his representations. He was unable to ascertain, from the observations of the right hon. Gentleman who had opposed his proposition, where the line of distinction was to be drawn between consular duties and diplomatic functions. It had been said, that the duties of a consul were to arbitrate in such cases as those between captains of vessels and their crews. Now a consul had no power to do any such thing. The principle for which he contended had been admitted by nearly all the speakers. All hon. Members agreed that this discussion had been of service. He would not trouble the House to divide.

Motion negatived.

BURYING THE DEAD IN TOWNS.] Mr. *Mackinnon* said, in rising to bring forward the motion of which he had given notice, he trusted he should be excused for the few remarks he was about to make on a subject of such great importance. He had been first induced to bring it forward in consequence of having been appointed on the select committee on the health of towns the Session before last, when this question had incidentally come under their consideration, and it then appeared to him of so much importance that he had been induced to give it his best attention. Subsequently to that time the City of London and a number of individuals had considered the subject. Under these circumstances he trusted he should not be thought presumptuous for endeavouring to show to the House the necessity of some legislative measure to alter the prevailing custom. The more they considered the subject the greater would be their astonishment that for so many centuries they had lived with such a mass of corruption amongst them, and had continued to follow the example of the most barbarous nations. The object he had in view was to prevent the inhumation of individuals in large towns. How it was possible that such a custom had been for so long a period sanctioned in this country passed his comprehension. Perhaps the House would be surprised when he told them that in all the nations in the globe a different state of things had taken place. Amongst the ancient Egyptians,—[*Laughter*] he would not long detain the House—but the ancient Egyptians had a custom of burying their dead out of the towns; the Greeks followed the same plan; the Romans did the same. In the laws of the twelve tables there was a law that no man should be either burnt or buried except out of the precincts of the town. It was impossible for any custom to be so obnoxious and injurious to individuals as this of inhumation in towns. The early Christians used to bury their dead in towns. The first person buried in a church was the Emperor Constantine. The hon. Member opposite (Mr. Wakley) had alluded to this subject in a publication with which he was concerned. With the permission of the House he would read to them a few extracts from the opinions of two or three medical men totally unconnected with each other on this subject. The first that he would read was that of Mr. Jinks. The hon. Member read the extract of the following import.

"One of the effects of this custom was, a fetid and dreadful odour, which became most pernicious, and was made still more so by atmospheric electricity."

Here was what the *Lancet* said:

"One William Green, in digging a grave in St. Margaret's churchyard, Westminster, was suddenly taken with delirium, and in a short time he died."

There was a variety of occurrences which showed without any doubt that inhumation in towns was very injurious. All he could say on the subject was, that it was a matter of very grave importance, and deserving of very deep consideration. Thinking it the duty of the Legislature to guard against anything which might be injurious to the welfare of the people, and that it was the province of a Member of that House to bring such a question forward, he had undertaken to do so, and he did it with the sanction of Her Majesty's Government. Whether they considered the feelings of the body of the clergy, or the sentiments of the citizens of London and of the public at large, it was their bounden duty to give this subject their best attention. The hon. Member concluded with moving for a

"Select committee to consider the expediency of framing some Legislative enactment (due respect being paid to the rights of the clergy) to remedy the evils arising from the interment of bodies within the precincts of large towns, or of places densely peopled."

Dr. *Bowring* seconded the motion. He

rejoiced to see that in this country at last some little attention was paid to this subject, with the view of making the dead as little noxious to the living as possible. In France, Spain, and other countries great attention had been paid to this.

Mr. *Wakley* wished to know if the hon. Member intended that witnesses should be examined before his committee? If so, it was unnecessary that any discussion should then take place on the subject. Many complaints had been made to him that the charges made at the cemetries for burying the poor were outrageous, and he feared that unless caution were exercised in conducting the inquiry, monopolies might be created of a very dangerous and pernicious character. He was informed that a poor person could not be buried at a less charge for the ground alone than 10*s.* He hoped that this subject would be examined into before the committee.

Sir *J. Graham* was decidedly of opinion that the time had arrived when some legislative interference was absolutely necessary on this subject; and the comfort of the community and the feeling of decency of civilized minds required that greater space should be provided for the burial of the dead outside the walls of towns. The hon. Gentleman (Mr. Wakley) feared that this inquiry might lead to the establishment of some monopoly on an enactment being passed on that inquiry. But, in giving assent to this inquiry, he guarded himself against sanctioning any legislative measure which might emanate from this committee. He did think that any legislative measure must be very carefully considered by that House; but, on the other hand, he thought that previous inquiry was the best ground for any legislative measure. With regard to the constitution of the committee, he was quite sure the hon. Member would take every possible caution with respect to the names on that committee, and that, in conformity with the established rule of the House, he would give notice of the Members to be put on it.

Motion agreed to.

THE MARRIAGE LAW.] Lord *F. Egerton* rose to move for leave to bring in a bill to amend an act, entitled,

> "An act to render certain marriages valid, and to alter the law with respect to certain voidable marriages, and to define the prohibited Degrees of Affinity."

If he were to act under the influence of his own feelings, and which he judged to be the inclination of the House, he should certainly compress what he had to say into the smallest possible compass. If he had reason to hope that, after having laid the ground for the necessity of some measure upon the subject, which he was about to submit to their consideration—if he could hope that, having convinced the House that it was necessary for the legislature to take some steps, he might then obtain its sanction to lay his bill upon the Table, then he should be able to compress his observations into a volume strictly coincident with the nature and extent of the object he had in view. But he hardly expected to be allowed the privilege, without serious opposition, of laying his bill on the Table of the House. If, instead of addressing that House in the Session of 1842, he had been doing so in 1836, he should have felt himself considerably relieved from the difficulty of endeavouring to divert the attention of the House for a moment from the political topics which at present agitated the country; but the subject derived no interest whatever from party contests. Since that time seven years had passed away, and three general elections had spread more than the average quantity of mutations over the composition of that House, and it could not be so fresh in the recollection of many of those he had now the honour to address, that in 1835, a most important statute law had been passed by that House under somewhat peculiar circumstances, and he might also say of haste and want of due deliberation, materially affecting a portion of the marriage laws of their country. The main object of that statute was retrospective, and was the legitimization and confirmation of certain classes of marriages within the prohibited degress which had taken place, and which, up to that period, were not void, but voidable by sentence duly pronounced in the Ecclesiastical Court. In the progress of that measure an enactment was grafted on it—how it originated he could not ascertain—which extended further the provision as to future marriages of the same description, and rendered them no longer voidable but void and null *ab initio.* It was to the prospective character of that enactment that he now called the attention of the House. He must express his opinion that if it had been in his power to enter fully into the discussion of that measure at the time it passed, and had he then that knowledge of the subject which he had since acquired, he did not think that however he might have concurred with those who carried that measure in the main object of it—an object which he admitted was of the greatest value—the removing of doubts as to legitimacy, and the prevention of litigation — yet he could hardly have consented to have that enactment with a prospective clause grafted on it. The inconsistency of that retrospective confirmation and annihilation was felt at the time, and after that prospective clause was grafted on it, the bill was resisted almost to the death. But when it went through the other House, hon. Gentlemen who felt the difficulty were yet persuaded to agree to the statute as it stood; but that agreement was made on a distinct understanding, which was implied by all who spoke, and acknowledged by most Members, that it was in consequence of the lateness of the period, in August 1835, that they consented to the bill, and not on a full and due deliberation of all the bearings of it, and that something like a promise was held out, that in an early period of the subsequent Session a due reconsideration should be given to the subject. Seven years had passed since, and the law still remained as it was then passed. He had thus established the right to moot this question anew. Some might ask, was it wise to move a question of this description, *quieta movere*, on so delicate and nice a matter? He would pass over the question, whether he, who was unacquainted with the law, and without influence in this House ought to bring this question forward; for he merely followed the advice of those who led him to assent to their wishes on this subject. He did not assume that they should pass the particular measure which he submitted to the House, but it was necessary that, from one quarter or another, the due consideration of the Legislature should be called for and obtained on the bearings of the present marriage law. He need not say more to prove that that law which they passed in 1835 did not go forth to the country with that sanction that was due to a law which was well considered, and was consistent with the practices of civilised Christian and Protestant communities, and that it did not carry that weight which would secure obedience from all but the determined and profligate law breakers. He told the House that the statute had subsequently been resisted and avoided by men of a very different complexion than profligates and professed lawbreakers—it had been avoided to a very large extent by men of all classes in this country—by persons of education, and by individuals who had no other moral or social taint than that which accrued from having taken advantage of means for evading of this law. This fact was, in his judgment, alone sufficient to show the necessity for now making that law effectual for the purposes for which it had been originally intended. From the existing state of the law great domestic unhappiness might ensue—great and extensive litigation on questions of inheritance and the rights of property might occur. To prevent these evils had been the object of the former enactment — it had failed, he repeated, to attain it, and why? Because persons, thinking they were morally entitled to infringe the law, had resorted for the purpose of effecting marriages to Scotland and countries beyond the dominions of the Crown, and it would be found that no two lawyers could agree as to whether such an evasion of the terms of the act could be defended or not. Hence, though this was a delicate subject, and one which no man could be more anxious than himself to avoid, still he held it to be necessary that the Legislature or somebody of more importance than himself should interfere in the matter. He had means before him of proving most distinctly everything he had yet stated. He had the opinions of the most eminent counsel on the question, and he could show further—but would not at that hour fatigue the House by doing so—that lawyers of eminence were daily and hourly consulted as to the means by which the existing law could be evaded. But, let it be remembered, that the solicitors of London and elsewhere, in a numerous body, had, upon the occasion when the subject had been brought forward in another place, petitioned, not indeed for the bill he now sought to introduce, but petitioned for the purpose of setting forth to the Legislature the difficulties which existed, and the necessity for some remedy. He understood that these petitioners had been spoken of without much deference to the importance of their opinions. Now, on such a subject he paid considerable deference to their opinions, because their professional interests naturally had a tendency to bias them the other way. The solicitors were better acquainted with the stream of life than other men—they were the "archivists" of families, and, as he might say, the confessors of private life; and he was the more disposed to think well of their opinions, because in the face of their professional interests they had no petti-fogging views. They acted on the reverse principle of that mentioned in the story of two fox-hunters, who had fallen into a quarry; the one was desirous to call out, to warn the rest of the field; the other exclaimed, "Hold your tongue, wait; the pit will be full presently!" Now, he could understand, why, if these petitioners had looked at the question in a pettifogging point of view, they would have adopted the principle laid down in this narrative. They would have said, "We are laying the seeds of litigation—we shall reap a rich harvest—we shall have plenty of law suits which will bring grist to the mill." Now, that harvest he wished to prevent. The bill he desired to present was one which was nearly identical with that brought forward in another place last year, by a noble Lord now high in the service of her Majesty's Government, and, without going into particulars, he would confine himself to the point on which the principal discussion had taken place elsewhere, and which, he anticipated, would engage the attention—perhaps, the opposition, of some hon. Gentlemen in this House. He thought it his duty at once to state, that the bill he proposed to introduce would enable a widower to marry the sister of his deceased wife.' This was a very important, and, with great deference to the opinions which might be entertained both in that House and elsewhere, was to be considered in a twofold point of view;—first, in a religious point of view; and, secondly, the social expediency of its consequences on this side of the grave. With respect to the first point of view, and the obligation to look at it in a religious light, he was sure it was only too obvious to the House, that he felt he must tread lightly on such sacred ground, in such an assembly as the present. He would endeavour to show, however, that he had not taken up this matter on light considerations; and he believed the House would give him credit when he said, that if, on looking at the subject, he had considered he was impeded by the revealed word of God, which all should reverence, he would not now stand forward, and trouble the House on this question. He should, therefore, confine himself as much as possible, within such limits as would suffice to show that he had devoted such attention to the subject, as its magnitude required, and as was due to the House. With respect to the objections which had been offered to the measure he was advocating, he believed that they had been derived principally from that portion of Scripture contained in the Old Testament, which was called "Leviticus." He should omit, however, entering upon that very difficult and abstract question. But he might state, that his own conviction was, that there was no conclusion to be drawn from Scripture, that there was anything which enjoined him to consider, that that part of sacred writ was binding on a Christian Legislature; and he would only then add, that he should ultimately, with all the diffidence and deference which ought to be employed by any one who was dealing with such a subject, be prepared, if necessary, to defend the course he was pursuing, and, therefore, he trusted, that the House would pardon him, if at present he passed lightly, as he wished to pass over, this part of this important question. He would not enter at present into the question of the practice of Protestant as compared to Roman Catholic countries in this respect; but he was not aware, that it had ever been understood, that the dispensing power of the Pope had extended to sanction anything which was obviously and avowedly in opposition to the word of God, and they all knew, that these marriages had been allowed in Catholic countries. However, he had no reason to suppose, that any opposition which he might have to expect to this measure was founded on this ground, or that it was supposed by those who were adverse to a change in the present law, that there was anything insuperable in the law of God, that should prevent the further progress of this measure. Individuals doubtless, might have come to this conclusion, but he meant to say, that it was not a conclusion which had been brought forward in those quarters in which, if it had been brought forward, he should most certainly have maintained a profound and reverential silence. Passing, therefore, this part of the subject, he came to the question of expediency, and the consequences on this side of the grave. What struck him was, that there was nothing to be deduced from a balance of probabilities in respect to this question which entitled the Legislature to interfere with the choice which every one of mature age, and of the prudence which every man ought to exercise on a matter affecting the happiness of his whole future life. Hon. Gentlemen might come to a different conclusion, but his own opinion was, that the balance of probability was in favour of his proposal; this, however, he must be allowed to say, was far more than he was called upon to prove. It was supposed by many, that the permission to marry the sister of a deceased wife would interfere with the friendly and familiar intercourse which at present took place between the husband and the sister-in-law. He allowed, that it was difficult to divine consequences. He admitted, that some moral monster might be induced to seduce his wife's sister, having first found from his solicitor, that he could marry her after his wife's death. On the other hand some wives might be so jealous of civilities shown to a sister as to cause the peace of families to be disturbed. But it appeared to him to be very difficult to secure the peace of families so constituted by legislative enactments. He could not think that the object was a fit one for a legislature to endeavour to effect. Again it was supposed, on the other hand, that his measure would tend to diminish that personal sanctity which ought to appertain to the sister of a wife in the eyes of the husband—that it would tend to infringe and diminish that intangibility which now surrounded the sister of a wife; it appeared to him, however, that this feeling of sanctity environing the sister-in-law arose from something very different from any statute that had been introduced into this country. Undoubtedly there were degrees and shades of moral turptitude in every class of immoral transactions; there were degrees even in the atrocious crime of adultery; but the considerations respecting this matter rested, as it appeared to him, on matters totally different from any statute; and though he was not disposed to say, that against those additional shades of guilt it was not advisable to enact punishments by penal statutes, which we did not, be it remarked, do at present, yet to his mind it was not possible to trace the superior personal sanctity which environed a sister-in-law to the operation of any law whatever. But, again, it was objected, that his measure would operate unfavourably with respect to the degree of intercourse between the sister and the person who was the husband of the deceased sister, and the father of her children, which it might introduce or lead to. But at present he was not sure, that it was very easy to conduct that very familiar intercourse which was supposed by those who made this objection. But put the case, that the parties were allowed to marry; it would not surely be thought, that those who did not marry had any very questionable attachment for one another. These were some of the objections which were made sometimes on one side, and sometimes on another. But when on a subject so sacred, he thought, that those who objected were bound to make out a case of social expediency to a very great amount before they were entitled to make their objections. He had said, that this statute was evaded to a very considerable extent, and that its enactments were not treated with that deference with which the near relationship of affinity and consanguinity was treated by all but criminals; still it was very difficult to come at the statistics of this matter, and for this reason, that however unjust the law might be considered by the parties, they might and often did feel that the existence of the law caused a slur on their characters which they were unwilling to exhibit before the public, and hence it was, that any one who had contracted, or wished to contract, a marriage of this sort might be expected to be very unwilling to have his name and case brought forward. With respect to the extent to which the law had been evaded, he might mention, that he believed that, since 1835, in Manchester alone, about ninety-one cases of evasion of it had been ascertained to have occurred, and it was supposed, that four or five times as many had taken place. He was afraid that the law was much more likely to be evaded among the lower classes than among the higher; for he considered, that it was very difficult for persons of inferior education to draw the line between the moral and practical effect of the statute of 1835. They were bound also to consider in dealing with such a subject how far they were interfering with the liberty of the subject. But it was not an easy matter to put ourselves in the position of others. There was one argument, which was used by Bishop Jewel, and used, too, by him as a topic of consolation to a friend who had consulted him under circumstances similar to those they were now contemplating, which had been since used as an argument addressed to the subject in general; and thinking as he did upon the subject, he must say he was glad that the opponents of his opinion could not find any stronger weapon of argument with reference to that part of the subject that bore upon the question of expediency in defence of their views. The words of Bishop Jewel, addressed, as he had said, to one who had applied to him for advice and consolation under such circumstances as these were,—

> "The world is wide, and there are other women from whom you may choose your wife."

Now much the same was said to our first parents, when, "with wandering steps and slow," they began their walk from Paradise, "The world was all before them." But was that a consolation to them, when looking back they saw the sword of the avenging angel flashing over the walls which they had left? No; they were paying the fruit of their disobedience, forewarned, as they had been, of the consequences that would follow their neglect of that direct and positive mandate. There the voice of Heaven had been expressed; but in this case the voice of Heaven was silent, and that of man had been given with a hesitation and confusion of utterance that deprived it of its due authority. Here too, perhaps, "some natural tears they shed;" but who could say what change of scene and lapse of time could mitigate the regrets of one who would very probably be at that age when passion, to use the words of Burke, had lost half its grossness, but not all its power, and who might perhaps feel those affections which had been extinguished for the moment by a crushing domestic calamity, revive and recover towards a person whom he might consider their legitimate object, and if so, as being worthy of his warmest devotion. Come between that person and that object if you would, and blast his hopes, but spare at least your cold and insulting consolation. Preach to him; reason with him; threaten him, if you would; tell him of Basil, of Diodorus, and of Councils of Illiberis; but do not tell him that the world is wide before him, and that there are other women for his wife and for the stepmother of his children. He might bow to the dictation, though that was doubtful; he might submit to the law, because he felt the expediency of so doing; but, at least, such oil and wine as that would only fester in the wound. To look at the case as far as regarded the feelings of a wife. A wife might desire to leave her children to the care of her sister. Surely, it was a great responsibility in the law to interfere between a man and such injunctions of a wife. He repeated that he did not mean to assume that his views on the subject were sufficient to warrant the particular conclusion to which he had come, but he did think he was justified in saying that this was a more than hasty law requiring and calling for the most careful consideration, and one which ought not to have been legislated upon as it was in 1835, though at that time the confession was made that legislation was not lasting and perpetual. He trusted that he had, however, made out such a case as would induce the House to entertain the subject in all its bearings. He should not think it his duty to enter into the history of the laws by which these prohibitions were created. It was well known that up to 1835 those prohibitions rested only on the canons of 1603, Archbishop Parker's prohibited degrees. There had been no subsequent canon or enactment of the sort until the second enactment of the statute of 1835. By the bill which he proposed, he removed the effect of that statute, and in a schedule he would set forth the degrees of consanguinity and lineal affinity to which the prohibition would apply. He should propose to make the prohibitions as distinct as possible; and, upon the whole, he did not think that by the measure he should run the risk of weakening the moral sanctity of marriage, which it was now feared would attend an alteration of the law. He considered that by dealing out strict justice they would not impair the strength of that which in this country they all desired to maintain, but, on the contrary, materially aid and support it. He had hardly mentioned the subject of the state of the law in foreign countries with regard to this subject. It was one from which the supporters of the existing law could derive little assistance. In the most Christian communities of Europe these marriages were allowed under various restrictions. These restrictions, in the Protestant States of Germany, were chiefly directed against the crime of previous adultery, and in some instances they invested the sovereign with a power of dispensation similar to that which in Roman Catholic countries lay in the Pope. The common consent of other Protestant Christian countries in favour of allowing these marriages rendered it to him more surprising that they should have been so long prohibited here. Whatever his own views, however, might be of the kind of legislation that ought to be adopted on the subject, he left the case in the hands of the House, satisfied that the interests of individuals would pass out of them safe and uninjured. The noble Lord concluded by moving for leave to bring in his bill.

Sir *R. H. Inglis* said, regretting, as he did, that a bill on such a subject should have been introduced at all, he doubly regreted that it should have been brought forward by one who, to say nothing of his acquirements and station, brought to the House a character that added a double weight to what he believed to be an evil. On this account, he regreted that the noble Lord should have been the leader in bringing it forward. The noble Lord and the House, however, would understand that he was disposed to treat with respect everything that fell from the noble Lord, and he would imitate the calmness and absence of party feeling with which the noble Lord had brought the subject forward. The noble Lord said, he had placed the question on its true grounds the revealed word of God, but the noble Lord said he did not find in the revealed word of God, anything contrary to the measure he now proposed to introduce. He would not enter into the theological part of the question, because he did not think that House a fit place for such discussions, and still less when they went into matters of detail upon them. Though he followed the example of the noble Lord, however, as regarded the mode of treating that part of the subject, he did not agree with the noble Lord, conceiving, as he did, that the law of God did prohibit that which the noble Lord sought to legalize. It would be sufficient for him to state what the noble Lord had not denied, and what, he believed, was undeniable, that the concurrent testimony of the universal Christian Church distinctly showed that the marriages which the noble Lord sought to sanctify, were by the church not sanctioned. Such marriages might or might not be contrary to Scripture—they might or might not be contrary to the revealed will of God—but, certainly, the universal church, for fifteen centuries, declared them to be contrary to her tenets. The noble Lord had referred to the Council of Illiberis. Without entering into details regarding any decisions of that council, he would simply repeat the proposition, that in no instance in church antiquity would the noble Lord find these marriages to have been sanctified. But it was not necessary, for the purpose of his argument, to rest either on the revealed will of God, or on the practice of the church. He believed there were reasons in the circumstances of the time fully sufficient to render such a measure as this a very improper one to be entertained, and it was, for practical, political, and general reasons, that he felt bound especially to offer the bill every opposition in his power. The noble Lord had stated some cases of seeming hardship to individuals. He had referred to the case of a person bereaved of his wife, who in her dying moments consigned their children to the care of her own sister, and enjoined her husband to make that sister his lawful wife. He would not deny that such cases existed, not perhaps in great numbers, but not certainly to as great an extent as the noble Lord had represented; but even making this admission, what was the state of the case? Why it would be found that for every solitary instance in which the present law pressed heavily, there would be nine-and-forty others in which its alteration would be destructive to domestic peace; for were the noble Lord's proposition agreed to, husbands would be in a great measure deprived of the assistance of those who, next to their own wives, were the best assistants in the care and nurture of their children. He believed that at present there was only one case on record in our courts of law, in which an unlawful intercourse was even alleged to have taken place between a husband and his wife's sister. What was this owing to? Solely because, under the present state of the law, husbands considered their wives's sisters to stand in the same relation to them as their own sisters. [*"Oh."*] He earnestly hoped that denial was not intended to imply that there was any one in that House or in the country who looked on the relationship in any other point of view. He emphatically repeated that he did believe the sentiment prevailed, and he should be exceedingly sorry to suppose that it was otherwise. But looking at the measure in another point of view, he could not but hold that, even limiting it to one single consideration specified by his noble Friend, he should yet find in that one consideration a specific ground for opposing the measure. It had always been his habit when he saw a measure which was objectionable either in a parliamentary or a moral sense, to consider himself bound either to affirm the principle, or to reject it. Even, therefore, limiting his view of the present measure to one solitary circumstance, he should feel bound to vote for its rejection. The noble Lord did not confine his measure to marriages with a deceased wife's sister, but he proposed to annex a schedule which would open the ground to further alteration. At least the proposition of the noble Lord would come to the same thing. Whatever was not included would be so much withdrawn from what was allowed by the Church of England, and by other Christian churches. His noble Friend said the voice of Heaven was silent, and that the voice of man was in favour of this measure; and he had referred to what had occurred in the House on this subject some years ago. Now, what security would they have if they consented to this bill, that seven years hence another new measure on the subject would not be proposed, suggesting new amendments in addition to those to be effected by the present schedule? He said that it was most undesirable that they should open the door to such an occurrence. This was not a subject of an exciting nature—it was not a subject so free from all delicacy and difficulty that it was desirable for the House to be continually called on to legislate upon it. He felt, therefore, that there was sufficient in the announcement of this measure to induce him to take the sense of the House as to whether they should consider it at all, and, without wearying them any further, he did hope that they would put a stop to such bills by at once rejecting the noble Lord's proposition.

Mr. *M. Milnes* regretted the intention expressed by the right hon. Baronet who had just sat down, not because he at all objected to his taking the sense of the House on an amendment which he might consider perfectly right and just, but because he considered this to be one of those peculiar cases in which they might take the principle of the measure home to their thoughts and feelings, and give it every consideration with great advantage to themselves and to those for whom they legislated. He felt, that this question was a very important and a very difficult one, branching out into more ramifications than the right hon. Baronet supposed, and that it was also a question on which they ought maturely to deliberate. He disagreed with the opinion that the universal Catholic Church had entirely prohibited marriages of this description. He knew the canon law, and he knew, that that law provided a dispensation in certain cases. That our Established Church should select any one point of that canon law—for that law made distinctions even in cases of second cousins, which our Church had not adopted—that the Church of England should fix on that one point, and establish an arbitrary limit without giving any power of dispensation, either civil or ecclesiastical, was, he was sorry to say, a great tyranny, and one which he felt convinced that the true principles of the Church of England did not sanction. He repeated, that he thought the question a difficult one, and he might add, that he could not at present say to what conclusion he himself would come upon it; but he did think, that in deciding it they ought not to consider their own feelings, or that of their class. No doubt among some of the upper classes such a change as that proposed might be highly inconvenient and disagreeable; but they should look abroad —they should look at the feelings of the farmers in the rural districts, and at the opinions of the operatives in the large manufacturing towns; and if they found, that these favoured a measure of this sort, they should, he thought, give it their grave consideration, and arrive at a conclusion upon it without reference to their own feelings. If they found that the opinion was opposed to a change, why, then let them pause; but do not let them reject the measure until they had considered the subject largely and substantially, and as regarded the welfare and domestic peace of the homes of a large class of the people of England. He hoped, that no such summary decision as the hon. Baronet, the Member for the University of Oxford, wished for would be come to by the House, because he did not believe that any such was required either by affection to the Church or loyalty to the State.

Mr. *A. J. B. Hope* concurred with the hon. Baronet, the Member for Oxford, in his determination to take the sense of the House on the present occasion. He had heard with great regret the noble Lord panegyrising many individuals as moral men who, according to his own showing, had within the last seven years transgressed the law both of the Church and the State. He thought the most kind course towards those individuals would have been to pass over their conduct in silence. The noble

Lord considered that this question might be regarded both in a religious and social point of view. The religious part of the question he had passed over without many remarks; but he could not help expressing his regret, that such a holy institution was to be invaded on reasons so unsatisfactory. The second point urged by the noble Lord was the social influence of the enactment. If a man married his wife's sister, she would be either a good or bad stepmother. If the aunt was willing to take care of the children in such a case, why not let her do so instead of becoming the parent of other children who would be their rivals in affection. He was quite convinced, that the new law would be quite inadequate to carry out its own provisions. There was another serious objection to the proposed alteration, which had not yet been noticed —namely, the anomalous position in which it would place the clergy. If this bill should become the law of the land, there would be the law of the Church and its table of decrees, as set forth by Archbishop Parker, and the schedule of the noble Lord; for the Act of Parliament certainly could not repeal those canons without even mentioning them. He called upon the House not to precipitate a measure that would involve the Church in peril and danger, and add to the difficulties already sustained by that meritorious class the clergy of the Church of England. He feared if this measure were acceded to, it would be only regarded as an instalment of some greater measure. In the next seven years, perhaps, a bill would be introduced to legalise the marriages of uncles and nieces, to be succeeded by one to legalise the marriages of brothers and sisters. [*"Oh, oh."*] That might be rather extravagant, but still it was right in a case like this to take an extreme case to show the peril of opening this question. If it were once opened, it was impossible to say where they should stop, or, however they might desire it, how they could retrace their steps.

> "Facilis descensus Averni;
> Sed revocare gradum, superasque evadere ad auras,
> Hoc opus, hic labor est."

Mr. *C. Buller* regretted, that a subject of this grave nature had not been brought on at a time when the House was more disposed to discuss it as it deserved. He wished, that the hon. Member for Oxford had been disposed to postpone his opposition to the bill to a later period. He wished Gentlemen would really consider the importance of giving due consideration to this subject. It was really one of the most difficult, and, in its various relations, one of the most important questions that could be brought forward. It should be remembered, that it was no idle vote they were about to give. It might either dash for ever the hopes of many persons who were looking, with intense anxiety, to the passing of this bill; or if they gave a rash vote in favour of it, they might raise hopes that might afterwards be frustrated. With the permission, therefore, of the House, he would move the adjournment of the debate.

Mr. *Plumptre* appealed to his hon. Friend, the Member for the University of Oxford to withdraw his opposition for the present, and allow the discussion to be taken on the second reading.

Sir *R. H. Inglis* said, he felt bound to say, that he could not comply with the appeal that had been made to him.

Mr. *P. Borthwick* hoped the House would see the propriety of acceding to the motion of the hon. and learned Gentleman for the adjournment of the debate.

Dr. *Nicholl* observed, that his noble Friend, the Member for Lancashire, had entirely mistaken the real state of the law as applicable to this question. The law applicable to the case was not the canon law of 1603, but the law of the realm of Henry the 8th. In case the debate should be adjourned, he wished hon. Members to turn their attention to that point.

Sir *R. Peel* said, he considered this ought not to be a political question; and in speaking of it, he wished to divest himself altogether of that authority which the situation he held naturally gave on ordinary occasions. This question turned on feelings and religious impressions, with which politics had nothing to do. If the course recommended to his hon. Friend should be adopted by him, he should not oppose it; but, at the same time, he must say, that he thought this question might be as well discussed on the motion for leave to bring in the bill, as on the second reading. But if they took the discussion on bringing in the bill, he thought it ought to be a full discussion. It was a subject they could not but be well acquainted with, and as well prepared to discuss then as at any other time; but as his noble Friend did not bring forward his motion till nearly twelve o'clock, he thought, on the whole, it would be better to adjourn the debate, in which he thought it would be advisable that he should avoid expressing his opinions. He would earnestly advise the House not to come to a premature decision on the subject.

Mr. *C. Buller* said, he had forgotten to ask to what day it would be convenient to have the debate adjourned.

Sir *R. Peel* said, he should bring forward his Corn-law bill to-morrow; over Thursday he had no control; on Friday he should bring forward the great question of which he had given notice. There would only be two or three supply days before Easter, and these would be required for the public service; but he should have no objection that the debate should be adjourned to Friday.

Debate adjourned to that day week.

PETTY SESSIONS.] Mr. *G. Bankes* moved for leave to bring in a bill to make further provision for the holding of special petty sessions, and for providing that in certain cases where persons shall voluntarily desire to plead guilty, it shall be competent to the magistrates at such sessions to award the sentence of the law.

Leave given.

Adjourned.

HOUSE OF COMMONS,

Wednesday, March 9, 1842.

MINUTES.] BILLS. *Public.*—2° Corn Importation.

Private.—1° Imperial Bank of England; New Cross Roads; Church Stretton and Langdon Roads; Ellesmere and Chester Canal; Farmers' and Gardeners' Hailstorm Assurance Company; Camberwell and Peckham Lighting; Saundersfoot Railway; Saundersfoot Harbour.

Committed.—Railways.

PETITIONS PRESENTED. By Mr. Brotherton, Lord C. Fitzroy, Sir E. Colebrooke, Mr. Cobden, Mr. C. P. Villiers, and other hon. Members, from Stockport, Manchester, and many other places, for the Repeal of the Corn-laws.—By Lord Barnard, from Millers of Cork, Mr. Green, from Millers of Lancaster, Mr. E. Tennent, from Millers of Belfast, Lord Worsley, from Millers of London, Mr. S. Wortley, from Millers of Wrexham, and Dewsbury, Viscount Sandon, from Millers of Wexford, and Mr. T. Martin, from Millers of Galway, and other places, to Encourage the Importation of Grain.—By Lord Worsley, from Great Grimsby, and Horncastle, and by an hon. Member, from Bandon, against the Ministerial Corn Bill.—By an hon. Member, from Ripon, in favour of the Bill.—By Mr. Sharman Crawford, from Down, and Antrim, Mr. J. Young, from Cavan, and Mr. Tennent, from Downpatrick, and other places, for Legalizing certain Marriages by Dissenters.—By Mr. M. Gibson, from St. George's, Hanover-square, and other hon. Members, from other Districts of the Metropolis, for the Redemption of Tolls on the Metropolitan Bridges.—By Sir John Easthope, from H. A. Cotton, for Separation of Church and State.—By Mr. E. Tennent, from Attornies and Solicitors (Ireland), for the Repeal of the Stamp Duties on Attornies Certificates.—By Dr. Bowring, from J. R. Crothers, for Redress for an Injury inflicted by the Post-office.—By Viscount Sandon, from the Liverpool Chamber of Commerce, for a Reduction of the Duties on Tobacco.—By an hon. Member, from Building Societies in Newcastle-on-Tyne, for an Amendment of 7th Will. IV.—By Mr. Sharman Crawford, from Bredbury, for Universal Suffrage.—By Mr. Hutt, from the Corporation of Hull, against the Appointment of certain Magistrates.

BONDING FLOUR.] Mr. *Hutt* said, he had, on an early day of the Session, given notice of his intention to move for leave to bring in a bill to prevent flour, or flour and biscuit, to be substituted for foreign wheat secured in bonding warehouses. He had, already, in consequence of the pressure of important business, postponed the introduction of his measure; but, as the point was one of some importance, and as the subject generally was occupying a great share of public attention, he should wish to have the consent of the right hon. Baronet at the head of the Government to a proposition regarding the measure which he was about to submit. The bill now stood for Tuesday next. He proposed, that he should be allowed to lay it upon the Table on that day without opposition; that it should then be printed and circulated; and, that the discussion on the principle of the measure should be taken on the second reading, which he should move after the Easter recess. If this course were agreed to, the House and country would have time deliberately to consider the proposition.

Sir *R. Peel* said, that without in the slightest degree pledging himself to the principle of the bill, or promising to assent to any of its provisions, he could only say, that as far as he was concerned, he should offer no objection to the course the hon. Gentleman proposed to pursue, if he thought that course necessary.

THE SPY SYSTEM—(IRELAND).] Mr. *John O'Connell* had a question to ask the noble Lord, the Secretary for Ireland. Some time ago he had called the attention of the noble Lord to the statement of the murderer, who declared, that he was incited to commit crime for the purpose of obtaining sustenance and support from the police, as an informer against others. He had asked the noble Lord before, whether it was his intention to continue so dreadful a system as that—a system that evidently led to crime? He had omitted to state another case at the time. It was, that of parties who applied for pay and support to the police, and offered to give evidence against persons connected with Ribbonism. The policeman to whom they applied tried an experiment with them, for the purpose of testing their accuracy. He sent them to a meeting, which existed only in his own imagination. They came the next day, with a full account of the imaginary meeting, to the policeman. There were then further illustrations of this system in the recent assizes at Longford, and at Meath. In the first place, two men were tried for the crime of Ribbonism. The proof against them was, that they had Ribbon documents in their pockets, but it came out, on the trial, that the Ribbon documents were put in their pockets by the informer himself. In the other case, the party was accused of having killed a cow, and it appeared, that the informer had first incited the man to kill the animal, and, not succeeding, he did it himself, and then accused the innocent man of the crime. He wished now to mention these matters, as prefatory to the question that he desired to put. Was this system to be continued, when it manifestly led to crime? Was it to be continued, when it was directly contrary to the maxim, that it was much better that many guilty men should escape punishment, than one innocent should suffer? He wished to know, was there to be an alteration in the system, which caused the greatest dissatisfaction in Ireland, and that made life and liberty insecure?

Lord *Eliot* could only give the same answer which he had given when the hon. Gentleman had put the same question at an early part of the Session. He did say then, that the practice of holding out inducements to witnesses to give evidence in criminal cases was in itself objectionable; but, that in the present state of Ireland, that practice could not be safely discontinued. There was a great difficulty in procuring witnesses when they imagined they would be exposed to the vengeance of the friends and relations of the parties against whom they appeared. He hoped and trusted, that there was a growing feeling of respect for the law and the administration of justice in Ireland, which would soon make it unnecessary to have recourse to such means to ensure convictions. He believed, that if now the practice were discontinued, many atrocious crimes would go unpunished. It was absolutely necessary, that the minds of persons who came forward to give evidence should be rendered secure, and, that they should be assured of being able to remove to another country. At the same time he considered, that it would be extremely improper to hold out an inducement of any sort to persons to come forward for the purpose of making accusations, and, he trusted, that under the present system, no innocent person had been found guilty. With regard to the cases to which his attention had been directed, he had only to say, that he had not had sufficient time to read the reports in the newspapers of cases that had occurred during the course of the present assizes.

DISTRESS — MANUFACTURING DISTRICTS.] Dr. *Bowring* wished to repeat the question which he had put to the right hon. Baronet opposite (Sir James Graham). He understood, that certain Gentlemen had taken great trouble in inquiring into the state of the suffering manufacturing population, and they had delivered in a copy of the result of their inquiries to the Home Office. He wished to know if the right hon. Baronet would consent to lay on the Table of the House the information thus conveyed to him.

Sir *J. Graham* said, that since the inquiry was made last evening, he had found that such a paper as that alluded to by the hon. Member, had been received at the Home-office. It was signed by three or four persons, and purported to be the result of a conference held at the Crown and Anchor. He really had not had time to peruse the document from beginning to end, and therefore must decline saying whether there was anything in it of such a character as to render it desirable that it should be laid upon the Table. If, however, the object was to have the paper printed, he did not know that he had any reason to urge against its publication.

Dr. *Bowring*, in that case, would on Tuesday move for the production of the paper.

FORGED EXCHEQUER-BILLS BILL.] Lord *J. Russell* wished to call the attention of the Chancellor of the Exchequer to a circumstance connected with the bill before the House for appointing commissioners to inquire as to the issue and possession of the forged Exchequer-bills. He had certainly understood from the speech of the right hon. Gentleman that the commissioners were to be nominated in the bill, and that their appointment should receive, as it were, the sanction of Parliament. The bill, however, was now printed, and in the possession of hon. Members, but the names of the commissioners were not mentioned in it. If the right hon. Gentleman intended to adhere to the intention he had originally expressed, perhaps he would now state his intention to do so. Whilst adverting to the subject, he (Lord J. Russell) might suggest, for the consideration of the right hon. Gentleman, the propriety of appointing three commissioners rather than two. There seemed to be several reasons for increasing the number.

The *Chancellor of the Exchequer* would take the opportunity of nominating the commissioners when the House was in committee on the bill. With regard to the noble Lord's second suggestion, he would give it his consideration.

CALEDONIAN CANAL.] Mr. *E. Ellice* wished to remind the right hon. Baronet at the head of the Government of the question he had asked a few nights since, as to the intentions of her Majesty's Ministers with regard to Sir Edward Parry's report on the Caledonian Canal. He should be glad to know if the Government had come to a resolution to adopt the suggestions contained in that document.

Sir *R. Peel* said, he had arrived at the conclusion that it would be preferable to refer the report in question to a committee of the House, and to have the opinion of that committee on the subject of it, before they attempted to legislate.

The committee would be appointed immediately.

OVERLOADING OF TIMBER SHIPS.] Mr. *A. Chapman* wished to put a question to the hon. Gentleman, the Vice-President of the Board of Trade. The operation of a law at present existing to prevent the overloading of timber ships, would terminate and expire on the 1st of May next. What he wanted to know was, whether the Government would undertake to renew the bill themselves, or would leave the matter in the hands of hon. Members. He had addressed a letter to the Board of Trade on the subject a fortnight since, but if the right hon. Vice-President was unable to reply to the question at that time, he would moot the matter on a future day.

Mr. *Gladstone* said, as he really was unprepared to give a satisfactory reply to the question at present, he would avail himself of the hon. Gentleman's offer, and take another opportunity of answering him.

CORN-LAWS—IMPORTATION BILL—SECOND READING.] Sir *R. Peel* having moved, that the Order of the Day for the Second Reading of this Bill be read,

Lord *J. Russell* said, he observed there was on the orders a bill (the Railways Bill) which had precedence of the Corn Bill. He hoped it was not intended to make any alteration in the usual regulation with regard to Wednesdays.

Sir *R. Peel* had said, a few nights since, that he did not intend to interfere with the days usually appropriated by the House to those hon. Members who undertook the ungrateful task of legislation. To-day, however, there being nothing on the paper, he had thought it better to bring forward this measure with a view of advancing its progress. Next Wednesday, he was not likely to be so fortunate as to have an opportunity of appropriating the sitting to Government business, but he might say, once for all, that he did not intend to interfere with the days which custom had left open to the notices of hon. Members generally.

The Order of the Day was then read.

On the motion that the bill be read a second time,

Mr. *Pakington* presented a petition from farmers in Worcester against the bill.

Viscount *Ebrington* said, he was aware that it might be considered useless to propose any amendment to that measure in opposition to the Government, because it was said the whole was undoubtedly an improvement upon the existing Corn-law, and therefore it would be right to accept it, some said as an instalment, others as a permanent settlement of the question. But he thought that when the question was about to be settled, it should be settled upon some sound basis; it should be settled so as to relieve the embarrassed state of trade, and, if possible, the distress which prevailed throughout the country. It appeared to him that a fixed duty should be imposed upon foreign corn, if any duty at all was imposed. A fixed duty was certainly best for trade, and therefore would tend to promote an interchange of commodities, and thereby prevent bullion being sent out to purchase corn. A regular trade would also promote the interest of the consumer, and the profits of merchants would then be kept down by fair competition. If there was a moderate fixed duty, the agriculturists would be able to tell when foreign rivals could compete with them, and when they could not. He knew that a large body were opposed to any duty, but he thought that even they would agree with him that if there was to be any duty at all, a fixed duty was by far the best. Her Majesty's late Government had brought forward a measure for a fixed duty on those grounds, but upon what ground the present measure was introduced he could not say. It could not be introduced for the purpose of checking extensive frauds, because the right hon. Baronet had said that no frauds had been committed, and it was not introduced to lower the price of corn, because the right hon. Baronet had said that the price was not too high at the present moment. It appeared to him that absolute independence of other countries was a proposition the carrying out of which would be out of the question. The right hon. Baronet at the head of her Majesty's Government, in introducing his bill, had recommended it as a measure likely to promote the interests of the country, by preventing those fluctuations in the currency which produced such disastrous effects upon the trade and commerce of the country. But the right hon. Baronet had not stated the manner in which the currency was affected by the present system, and he believed that if the one system produced evils of this nature, they would also flow from the provisions of the other. If one measure was unsound in principle, the other was equally so; the difference between them lay merely in detail. As to the argument that a fixed duty could not be maintained when prices reached a great height, he would admit that there might be circumstances under which he thought that not only should import duties be given up, but that a bounty should be actually bestowed upon the importer to save the people from starving. But to bring this about, a war must be raging more tremendous than that which we waged with Napoleon, for during that, under a practically fixed duty, we obtained corn from France; and the sea must be closed to our ships, or else, which it was almost impious to think of, the harvest must, in contradiction with the bountiful course of Providence, simultaneously fail all over the world. This was possible, and only just possible, but he did not think that it was necessary to make any provision for such an emergency in legislating on this subject, and therein differed from his noble Friend near him. His noble Friend said, that the duty on corn ought to be calculated to give a protection to agriculturists in exact proportion to the amount of the burdens leviable exclusively upon land, and he did not believe he was justified in imposing any higher duties on food than were sufficient to accomplish this purpose. His other noble Friend (Viscount Palmerston) wished to see a duty levied on corn as it was or ought to be on all other imports, for the sake of revenue only; and with reference to this question, it should be remembered, that the distinction between necessaries and comforts of life is purely artificial, and that if corn is to be exempted from tax merely because it is an article in general consumption, none could be maintained on sugar and the other articles of the same nature, which, being used by the great body of the people, were those which contributed most to the revenue. He was not unaware of the arguments in favour of direct instead of indirect taxation; but without entering into the merits of the question, he would only remark that it involved a fundamental change in our whole financial system. He could see no grounds for introducing the proposed in preference to the existing sliding scale. The evils of both were of the same nature. The effect of every sliding scale, containing what amounts to a prohibitory duty, was deeply injurious to commerce, and in the end prejudicial to the agriculturist, by inducing in him an over degree of confidence in being continually supported by such monopolising enactments, and leading him to extend his cultivation, and enter into a ruinous competition with his brother farmers. The right hon. Gentleman the Vice-President of the Board of Trade, had stated that the intention of the rests in the scale was to moderate the fluctuations which might otherwise be occasioned by a rapid descent in prices. He had stated that the object was to steady the market at the times when the prices showed that it was in a critical state. Now, if a critical state of the market meant anything, it meant a state when large importation either succeeded to trifling importation, or suddenly and rapidly diminished. Tried by this test, the rests such as they were, appeared to be misplaced. By the returns furnished by the right hon. Gentleman's department, it appeared that at 52*s*., 53*s*., and 54*s*., the importation of wheat had continued uniformly small, while at about 58*s*. a considerable and sudden increase in the amount was perceivable; the same was true of the prices at which rests were placed in the scales for barley and oats. It was clear, therefore, that by the right hon. Vice-President's own rule, according to his own shewing, the rests were misplaced, or rather placed at random. He (Viscount Ebrington) begged to decline any participation in these views of the right hon. Gentleman, he did not see why any particular shilling of the price indicated a more critical state of the market than another; he was aware that the suddenly increasing import of corn at 58*s*. was to be attributed to other causes, but he was anxious to demonstrate to the House, that by their own account the Government had no intelligible reason for placing the rests where they were. He did not object to them, he only wished they extended from one end of the scale to the other; but it should not be forgotten, that when the prices reached a particular part of the rest, when they got far forward on the landing-place of their staircase, in reality their effect was, to encourage speculation, for if the speculator succeeded in his operation he diminished the amount of duty, while if he failed he did not increase it. With regard to the new method of taking the averages, he thought that its effect would be to diminish the nominal price, and the House would remember that if such were the case, the income of the clergy would suffer a reduction for the benefit of the landowner. All classes were displeased with this plan. The farmers were alarmed, the millers complaining, the manufacturers anything but contented, and the people showed their feelings by burning the right hon. Baronet in effigy. All were adverse to the right hon. Baronet's plan, but he no doubt repeated, with the satirist—*Populus me sibilat, at mihi plaudo, ipse domi,* at the Treasury, he only wished in the present state of the Exchequer, he could add, *simul ac nummos contemplor in arcâ.* He felt it his duty to move that the bill be read a second time that day six months.

Colonel *T. Wood* wished to see the subject before the House, settled on the soundest principles. The difficulty was, however, to determine what these principles were; and he did think, that with regard to the long debates which had taken place upon the subject, the effect had been to make these principles more obscure than ever. What were the sound principles in question? Were they those of the noble Lord opposite? Were they those of some low indefinite fixed duty, of which the House had as yet heard nothing, or were they the principles of total repeal advocated by the hon. Member for Wolverhampton? Although it was desirable to approach as near as possible in legislating upon this subject to abstract theory, yet it was utterly impossible completely to arrive at that point, and they must, therefore, take the measure which might appear to be most practicable for adoption; that measure, he believed, to be the bill now offered to the House by her Majesty's Government. When that measure was introduced to the House, he certainly did feel somewhat disappointed. He should have wished to have seen a measure less prohibitory in its nature. But he confessed that subsequent examination of the measure, and of the grounds on which it was founded, had induced him to form a more favourable opinion of the measure than that which he had at first entertained. He had had conversation with persons engaged in the corn trade, which had led him to believe, that under the proposed measure, and in ordinary seasons, a considerable trade in corn could be carried on, and, in seasons of dearth, that it would provide a supply for the wants of the country. This view of the subject was confirmed by the speech which had been addressed to the House by the hon. Member for Coventry, and other hon. Members practically conversant with the details of the corn trade. Under ordinary circumstances a considerable quantity of corn could be imported at 56*s*., with 16*s*. duty at a profit to the importer of 3*s*. or 4*s*., and when the prices rose, large importations, which until then would have been held back, would be poured in, flooding the market, at a duty of about 6*s*., thereby preventing those unfortunate advancements in the price of food under which the people had too often been suffering, diminishing the inconvenience which had been felt in the currency of the country, and affording a larger supply for the wants of the people. If they could effect this, he thought they had reason to feel grateful for the proposition of the Government. Taunts had been thrown out against hon. Members on his side of the House for having, as it was alleged, deserted the defence of that amount of protection which they had once thought necessary for the safety of the agriculturists. Their taunts were, as he believed, wholly unfounded. He took the measure of the right hon. Gentleman as a good omen of the success, which would attend the future measures of the Administration. He trusted, that this bill would be received by the country as a remedy for the grievances which might exist. He was sure the public gave the right hon. Gentleman credit for being instigated by nothing but a love of justice; and that if ever the stability of his Government were endangered, they would rally round one who had inscribed his name high in the annals of his country.

Captain *Vivian:* Though the opposition with which he sat constituted a far less number than the Ministerialists, still the people of the country coincided with their views on this question, because the late Government was opposed to a law not framed for the benefit of the people, but solely for the advantage of a few. He had listened to the speeches of the hon. Gentlemen, and he understood them to attribute the evils of the country to overproduction and improvement in machinery. Now, admitting those circumstances to be the cause of the evil, he thought the best way of remedying it, would be to increase our trade, and to extend our manufactures, instead of shutting them gradually out of every market. The noble Member for London, had well illustrated that the present bill would shut us out of the important markets—the American. He trusted that the country would in time be brought to see the proposition of the noble Lord (Lord J. Russell) in its true light, as that which would most conduce to the permanent interest and happiness of the people.

Mr. *Blackstone* wished to state the reasons which should induce him to give his support to the amendment of the noble Lord opposite. This was the first time he had voted against the measure of the Government. He had hitherto opposed all the motions on the other side of the House, but he could not, in conscience, oppose the present motion. He was not ashamed to say, that he had been returned to that Parliament, because he favoured measures of protection to the British farmer. He might be considered presumptuous in taking that course, but other hon. Members for agricultural counties had expressed great alarm at the measure of the right hon. Baronet, and he felt the same alarm. He felt quite satisfied, that he should be justified in the eyes of his constituents in giving his opposition to it. He had never been convinced, that this measure would lead to the amelioration of the present distress. If he had, he should have strained a point in order to give it his support. He had taken considerable pains to ascertain the wishes of the agricultural community, and they uniformly said, that they saw no reason for proposing the present measure, except with a view of meeting the distresses of the country. It had not conciliated the opposition, and all he could see who were favourable to the bill were 510 individuals, who had presented five petitions in favour of it. The new bill having met with no support whatever from the manufacturers, he felt bound to see, before he made any alteration in the old law, whether the new one was a good and wholesome remedy for the evils which were alleged to exist. It was admitted that the old Corn-law, which was to keep corn at 63*s.*, admitted it on an average at 57*s.* Now, if the present bill were found to give a price 6*s.* or 7*s.* less than the intended average, it would be viewed with the greatest dismay by the agriculturists. The result of corn being 60*s.* a quarter must be ruinous, not to the landlord so much as to the labourer; for, instead of wages being 60,000,000*l.* a year, they must be speedily reduced by 12,000,000*l.* He should conclude with referring the report of the agricultural committee, of which the right hon. Member for Dorchester was chairman. It was to this effect—that measures which had been in operation for years should not be lightly abandoned; that to retreat was occasionally more dangerous than to advance, and that the ameliorations of the law respecting corn might be more safely left to the cautious forbearance, than to the active interposition of Parliament. Under such circumstances, he found it is painful duty to vote for the amendment.

Mr. *Buck* contended, that the effect of the present system had been to keep prices moderate, and with less variation than in almost any other country in the world. The consumer had never less cause of complaint, for millions of quarters of foreign wheat had been introduced at the lowest possible amount of duty. Foreigners, however, had not in this instance acted upon the reciprocity system, for notwithstanding such large importations of this produce, they continued to prefer the gold to the manufactures of this country. The noble Lord, the Member for North Lincolnshire, (Lord Worsley), had taunted county Members on that (the Ministerial) side of the House with forfeiting their professions and pledges on the hustings when they came forward to support the principle of this bill. Undoubtedly, he and a considerable number of his constituents, would have been as well pleased as the noble Lord himself, if the right hon. Baronet had gone a little higher with his scale; but, at the same time, he was perfectly satisfied, that he was acting in unison with their feelings, in refusing to be a party to any one act which could by possibility weaken a Government in whom they reposed the most perfect confidence, and hazard the accession of another whose principles they knew were inimical to the national interests. He could not help thinking that the conduct of the noble Lord was rather more inconsistent in having supported an Administration that brought forward a measure which, if carried, would have annihilated native agriculture, and thrown those out of employment whose existence depended on the cultivation of the soil. He believed it was a sound maxim to provide as far as possible by the encouragement of British agriculture for the subsistence of our own population. That principle had been laid down and admirably expressed by the President of the United States about two years ago, who said with reference to native agriculture,

> "No means of individual comfort is more certain, and no source of national prosperity is so sure. Nothing can compensate a people for a dependence upon others for the bread they eat."

Such had been the prevailing sentiments of every Government of this country up to 1841; and whether they perused the speeches of Mr. Huskisson, Mr. Canning, or many other enlightened individuals who had adorned this country, such invariably would they find had been their opinion. If, however, the present Government were to follow the course prescribed by hon. Gentlemen opposite, they would bring the country into a state of deep distress.

Viscount *Howick* said, until I heard the speeches of the two hon. Gentlemen who have just sat down, I had thought that the existing Corn-law of 1828 had been universally abandoned; I had believed it to be now acknowledged that that measure has proved an utter failure, that whereas its authors promised us that by adopting it we should secure the country from the difficulties arising from rapid and violent fluctuations in the price of corn, and render it in future steady and moderate, the real effect of the law has been the very reverse of that which was looked for; and since it has been in operation we have had the extremes both of high and of low prices, alternately occasioning the most severe distress, on the one hand to the commercial and manufacturing, and on the other to the agricultural classes. I thought, I say, that this had now been universally admitted, and that the present Corn-law, which but a few months ago had so many ardent, and I must add, such successful defenders upon the hustings, was now universally given up, and was, with the general consent of all parties, to be quietly put upon the shelf, with a noble Duke in the other House, who alone adhered to it. But, Sir, it appears that I was mistaken, and this law, which I had supposed to be so universally given up, has found at last two defenders in the hon. Gentlemen opposite, though I must say it is not very fortunate in its advocates, for the hon. Gentleman who spoke last (Mr. Buck) concluded his argument in its favour by saying that he should vote for its repeal; and the other hon. Gentleman (Mr. Blackstone) is the only person, as far as I am aware, who has been chivalrous enough to come forward and declare that he will, at all hazards, maintain it, and support his opinion in its favour by his vote. But though the Corn-law of 1828 has at last found two Gentlemen to speak in its defence, I will not detain the House by attempting to prove that it has practically failed; I will leave them to discuss its merits with the right hon. Baronet opposite, and with the hon. and gallant Member (Colonel Wood) who only just now told us that this law has worked so ill, that it has in the last year proved so injurious to the country that no Government could possibly any longer uphold it. It is enough for me, that the law which has been so long and so obstinately clung to has now been practically abandoned, but

I think it is worthy of our consideration that, although the right hon. Baronet and his Colleagues have taken a course which shows that they are aware of the evils which have resulted from the existing law, they still, in the change which they have recommended, adhere, with unaccountable pertinacity, to the policy upon which that law is founded;—at the very moment when, by proposing its repeal, they most distinctly recognise the practical failure of the act now in force, with strange inconsistency, they call upon us to adopt another measure proceeding upon the selfsame principle. Before I proceed further, let me say that I am most anxious to avoid treating this as a party question. The hon. and gallant Member opposite (Colonel Wood) seemed to think that the object of this side of the House is to institute a comparison unfavourable to the present Government between their conduct with reference to this subject and that of their predecessors: Sir, I can assure him that I have no such wish; indeed, I think it only right to state, that though I could not but approve of the principle of the measure contemplated by the late Government, since it was that for which I have always contended, my approbation did not extend to the time and the manner in which their intention of bringing forward that measure was announced; and, on the other hand, though I am by no means satisfied with the change proposed by the right hon. Baronet opposite, I am bound to admit that it has been brought forward in a manner befitting its importance, and which shows a serious intention on the part of the Government that it should pass into a law. I have also no hesitation in saying that, in my opinion, the change proposed will be an important improvement upon the law as it at present stands; it will be an improvement, because it will considerably lower the duties now payable upon the importation of corn, and diminish the severity of the existing restrictions upon trade; in itself, therefore, as a mitigation of the evils of the present law, the change will be valuable, but in my eyes it is of still greater value as the first step towards a more effectual and complete reform of the system of our Corn laws. I am persuaded that this repeal of the act of 1828, by those who have hitherto so resolutely defended it, will prove the commencement of a progress towards a better and a wiser system, which nothing on earth will hereafter have power to arrest. Sir, I admit that the measure of the right hon. Baronet will be an improvement upon the existing law; but the mistake into which it seems to me that he has fallen, is that of adhering to the faulty principle of the Act he proposes to abrogate. That this act has, in his judgment, practically failed is clear, both from his recommending its repeal, and from the reasons which he has assigned for doing so, but I think these reasons ought to have led him to go farther, and I differ from him in this, that I think the failure of the act of 1828 attributable not to any faults in its details which can be corrected by the bill now before us, but to an error in the principle o which it was founded, and in the object which it was intended to accomplish. The object of the act of 1828 was to maintain a certain price for corn, and the increase of the duty as the price fell, and the diminution of the duty as the price rose, were intended and expected to prevent the rise or the fall from going beyond the limits within which, in the opinion of the framers of the measure, it was desirable that they should be confined. I say, sir, that in 1828 it was avowed by those who introduced and supported the act still in force that this was the object which it was intended to accomplish; indeed, it would not be easy to point out what other it could have. But this was not an object which Parliament ought to have aimed at accomplishing; Parliament steps out of its proper province when it legislates with the view of deciding what is to be the price of food or of any other article. It is not possible—and if it were possible, it would not be desirable—that the price of any commodities—least of all of corn, should be decided by Parliament; and to endeavour, by the machinery of an act of Parliament, to prevent those fluctuations in the price of corn which must arise from the variety of the seasons, is an attempt as futile, as if it could possibly succeed, it would be mischievous. A rise of price when the produce of the harvest is deficient, is the means by which economy of consumption in proportion to the diminished supply is enforced upon the community, and by which, at the same time, the farmer is compensated for the diminished amount of produce that he has to sell, and is thus enabled to continue the cultivation of the land. On the other hand, the fall of price in abundant years is the means by which the blessing of plenty is extended to all classes. Any attempt, therefore, by legislative enactments, to enforce an unnatural equality of prices, can do nothing but harm. The only way in which fluctuations of price, arising from the variety of the seasons, can advantageously be diminished is, by the natural and unchecked operation of trade. The trader, if left to himself, would purchase in cheap years, and thus check the fall of prices, which must otherwise result from an unusually abundant supply, while, at the same time, he would accumulate a stock which would be brought into the market with advantage to all classes in less abundant seasons; and, in like manner, he would import from foreign countries a greater or a less supply of corn, according to what he believed to be our own wants, taking care, for his own sake, that the supply should be sufficient, and yet not redundant. This would be the natural state of things, if the law did not interfere with it; and experience has shown that the natural system, when allowed to do so, works with a regularity and beauty which it is impossible sufficiently to admire. In the whole order of creation there is nothing more marvellous or more striking than the manner in which, by the combined operaation of a number of individuals, none of whom, probably, bestows a thought upon the public good—each seeking to promote only his own private and individual interest—the supply of food to a great community is regulated. The manner in which, without waste, without interruption, without irregularity, each individual of a large nation is supplied with a proper portion of food, in proportion to the supply—the price varying in such a manner as to enable the production to be continued, and at the same time without undue pressure on the consumer—the manner in which all these things take place without interference on the part of any public authority, by the mere agency of a set of traders, as unconscious as the wheels of some vast machine of the result of their combined operations, is indeed wonderful; and the more one considers this beautiful mechanism of society, the more must one be convinced that it is the appointment of unerring wisdom, and infinite benevolence. Yet it is with this system that man presumes, by the clumsy contrivances of legislation, to interfere; and not satisfied with the order of society appointed by Providence, and with the means which Providence has established for the regulation of the supply of food, he must attempt to correct and improve what Providence has established. It is really quite extraordinary to observe how slow we are to learn the folly and presumption of such interference. Within the memory of many now alive, the laws passed by our ancestors against forestalling and regrating have been enforced, and practices have been solemnly denounced from the seat of justice as mischievous and injurious, which every man of ordinary education is now convinced to be not only innocent, but of the greatest advantage to society. We now understand the folly of such interference, so far as the internal trade of the country is concerned; freedom is established in that branch of commerce; but with respect to our foreign trade we still obstinately cling to restrictions and contrivances framed in the selfsame spirit, and characterized by like folly and presumption with those which we have so properly abandoned. What is the principle of a varying scale of duties? It proceeds on the assumption that the natural inducements to persons engaged in trade to increase importation with scarcity and diminish it with abundance are insufficient? It is perfectly clear that if we had a fixed duty, or no duty at all on corn, in either of these cases the self-interest of the merchant would induce him to increase or diminish the supply according to what he had reason to believe would be the demand for the article. But the presumption on which the act of 1828 is founded, and upon which the bill now before the House also proceeds, is that this natural inducement is not sufficient, and that it is necessary for Parliament to step in and tell the merchant that in times of deficiency he shall not only have the increase of price naturally arising from that circumstance, but two or three shillings a quarter arising from the alteration of duties. And what has been the result of this attempt to correct what we have rashly concluded to be a deficiency in the arrangements of Providence, and to render more certain the operations of trade in maintaining an equality of prices? Why, instead of accomplishing our object we have deranged and disorganized the whole system of trade, and instead of obtaining that unnatural steadiness of prices at which we have aimed, we have on the contrary most injuriously increased those fluctuations of price which must take place and have deprived the country of the advantage of that natural correction of either too high or too low prices which trade, if left to itself, would have afforded us. Such, Sir, I contend, has been the operation of the existing law; and as I have already observed, the measure now before the House still retains the same faulty principle, although the very fact that it has been brought forward, and the nature of the measure itself clearly prove that her Majesty's Government are aware that the act they propose to repeal has worked in the manner I have endeavoured to describe. What other interpretation can be put upon the reasons assigned for diminishing the rapidity with which as compared with the old law the rates of duty are now to vary, and for the very significant rests which the right hon. Baronet has introduced into his scale? We have been told, that the object of these changes is to induce the importer not to look forward to an increase of profit from a further reduction of duty, but to bring his corn into the market when it is wanted. The right hon. Baronet proposes, that when the price of corn is between *52s.* and *55s.*, the duty should be continued at 18*s.*, in order that the importer may not look to a further rise in price, but at once bring his corn into the market. This is a perfectly valid argument. I entirely concur with the right hon. Baronet in the propriety of his decision upon that point; but if this is a good reason for keeping the duty uniform for the interval between *52s.* and *55s.*, I wish to know why it is not equally good for the interval between *52s.* and *60s.* If the right hon. Baronet has made these rests in order to avoid giving the importer an unnatural motive for holding back his corn when a supply is wanted—if the rests are introduced in order to restore, to a certain extent, trade to a natural state, and to place the trader under the influence of motives which would operate upon him were Parliament not to interfere at all—if the principle is good to the extent of 3*s.*, why is it not good to a still greater extent? It unfortunately has not been in my power to hear the debates on the earlier stages of the bill, but in reading the reports of them I have seen no reason assigned by the right hon. Baronet for going so far and no farther towards the adoption of a sounder and wiser system — for going half way down the hill, and then perversely stopping without proceeding to the bottom. I should like to hear from the right hon. Baronet why the principle on which he has acted, if good, is not carried out to its just and legitimate conclusions? As far as I can understand the reasons assigned for the course proposed, they are these; it is said, that agriculture requires protection, but that the duties imposed with this view upon the main article of food, cannot be maintained when the price rises to a certain amount; and that, as a compensation to the farmer for the loss of the protection to which he is fairly entitled in times of scarcity, you will impose higher duties than would otherwise be advisable on foreign corn in times of plenty. This, as I understand it, is the argument on the other side. Before I proceed to consider it, I must in the first place declare, that for one I protest against the use of the word "protection" in this sense; it is an absurdity unsuited to the age in which we live. Protection to agriculture and other branches of industry? The only protection to which, in my mind, they are entitled, or which they require, is that which secures to every man the enjoyment of the fruits of his own honest industry—which guards him against being deprived by others, directly or indirectly, of the produce of his labour. This is the only protection which I will ever acknowledge to be due to agriculture or any other branch of national industry, and it is an abuse of language, when under the name of protection, you give to one particular class of the community the power of saying to their fellow subjects—"You shall buy those things which we produce, though they may be dearer or worse than similar articles which you could purchase elsewhere, you shall not be at liberty to make the most of your industry, and the produce of your labour—you shall not be at liberty to exchange that which you produce in the manner most advantageous to you." I for one think, that in this House it has been too long the fashion, even when our measures have been in the right direction, to want the courage plainly and distinctly to maintain the principles of free-trade, and to repudiate the doctrine of what is called "protection;" but I am persuaded the time is now come; and I am rejoiced to find that my noble Friend, the Member for Tiverton, has acted upon the same conviction, when these principles ought to be maintained boldly and without reserve. For my own part I have never held language different from that which I hold now,—namely, that the only legislative protection that British industry requires is, to be secured in the enjoyment of the fruits of its labour. Such a protection has nothing in common with the principle of allowing one class of British subjects to impose a heavy tax upon all other classes. But when I say this, I think it right to guard myself against its being supposed that I aim at the total repeal of all duties on corn. Such a measure is not that which it has ever been my opinion that we ought to adopt. I have stated what I think should be the principle of our legislation, but I have never denied that, in adopting this principle, caution is necessary. Looking at the necessity of raising a large public revenue, and looking to the peculiar burdens that weigh upon land, I think it would be upon the whole expedient, that a moderate duty should be imposed upon corn; but then it must, indeed, be a moderate duty, for if the alternative were proposed to me of choosing between the scale fixed by the present bill, and a total repeal of all duties, though I think both objectionable, yet I should not for a moment hesitate to choose total repeal. But to return to the reasons assigned for this measure, which I was considering; I am for the sake of argument, willing to assume, that what is called protection is due to agriculture—that to some extent a restriction should be imposed on the importation of foreign corn; but if so, I see no reason why that protection should not be equally due in years of insufficient harvests, when the farmer has already been a sufferer by the partial failure of the produce of his land. If 13*s.* is a sufficient protection when wheat is at an average price of 60*s.*, why should that protection fall to 1*s.* when the farmer is visited with an insufficient harvest, or why should a duty of 20*s.* be necessary when wheat is at 50*s.* a quarter. Even upon your own principle of protection, I cannot understand the justice of this arrangement. I am aware, that it has been urged as an argument in favour of the principle of lowering the duty as the price of corn rises—an argument which I am sorry has received some countenance from my noble Friend near me (Lord J. Russell), I know, I say, that it has been urged, that it would be impossible to maintain the duty when the price of corn rises to any unusual height. This may be a plausible argument, but before I admit its force, it must be shown to me that the fall in the duty, as the averages rise, is attended by any real benefit to the consumer. I believe, the effect of a remission of duty in this manner, so far as regards relief to the consumer, to be altogether nugatory and delusive. I have never heard, that any tax is found fault with because it is productive to the Exchequer, it is only to the burden it imposes upon the consumer, that an objection can be made, and if the burden must be borne, there would be no sense in rejecting the advantage of the income it may produce. Now, Sir, I contend that although the revenue is certainly sacrificed by the fall of the duty, as the price of corn rises, experience has shown that this reduction is attended by no benefit to the consumer. The fall of duty, instead of diminishing the price charged to the consumer, is more than counterbalanced by the increased expenses on importation, and the rise of price in all the markets within the immediate reach of our merchants, occasioned by our system of varying duties, which makes it necessary whenever the averages reach a certain point, to introduce a supply in the shortest possible time, without resorting to distant markets, or waiting to make the most economical arrangements for the importation of corn from those which are nearer, lest time should be given for the averages again to fall, and the duty consequently to rise. I wish to avoid, as much as I can, going over the same ground which has been already travelled over during these debates, and I will not, therefore, attempt to show more in detail, how completely the supposed benefit to the consumer from the reduction of the duty, as the averages rise, is neutralised by the increased cost of obtaining supplies when wanted, in consequence of the uncertainty as to the time for which the low rates of duty may be chargeable, but in considering the effect of the scale of diminishing duties upon the interest of the consumer, there is another fact, which is of too much importance to be passed by. The fact to which I advert, is that under operation of our present Corn-law, the stocks of corn in hand at the time of harvest are very materially diminished from what they formerly were. This change is easily accounted for; the effect of our varying duties is to render the trade in corn so full of hazard, to give it so much the character of a gambling speculation, as to have compelled all persons of prudent and steady habits either to abandon it, or to confine their operations to comparatively short periods, thus the trade is crippled and confined, and prevented from performing its proper office of accumulating in plentiful years a stock to meet the deficiency of less abundant harvests. I need not attempt to point out to the House how much more severely the effect of any deficiency in the harvest must be felt now that it is the habit to have little more corn in hand than is required to carry us through the year, than it would be, were it still the practice to have beforehand, at the time of harvest, a supply sufficient for several months. Now, Sir, the fact that there has been such a change in the habit of the country as to the amount of the stock of corn in hand at the time of harvest, rests upon authority which will hardly be disputed. The high authority to which I refer is that of the report of a Committee of this House drawn up by the right hon. Baronet opposite, the Secretary of State for the Home Department. In the report of the Agricultural Committee of 1833, there is this passage:—

> "But the diminished annual growth of wheat cannot be considered apart from the amount of the stock on hand; and the evidence of Mr. Jacob on this subject is no less striking than important, especially since his general view is confirmed by the local experience of occupying farmers throughout England."

I will not detain the House by reading the evidence of Mr. Jacob here referred to, but I have no doubt that the right hon. Baronet will admit, that I am correctly giving its substance, when I say, that the statement of Mr. Jacob thus adopted and confirmed by the right hon. Baronet and the Committee over which he presided, was to the effect, that before the passing of the act of 1815, there was usually in the hands of farmers and traders at the time of harvest, a stock of old corn, equal to a six months' consumption; but that since that time, and especially since the Act of 1828, there had seldom been a stock in the country at harvest time, equal to the consumption of one month.* Such being the case, it is not difficult to understand why it is that the fall in the rate of duty as the price rises, is wholly nugatory as a means of relief to the consumer, for the proof that it does so fail to afford relief, I might appeal to all the experience we have had since the passing of the law, but I will not trouble the House by going any farther back than to the last year. In the autumn of last year, corn rose to a frightful price, I mean the corn required for immediate consumption, immediately before harvest. The last harvest, the House may remember, was a late one; not extraordinarily so, but still it was decidedly a late harvest; and so completely had consumption exhausted the stock on hand—so entirely had our granaries been swept out, that there was the greatest difficulty in meeting the demand of the consumer. And here I must beg to observe, that the averages, as published in the *Gazette*, offer a very insufficient criterion by which to judge of the real price of grain. In the South of England, the season was an exceedingly wet one, a great deal of corn was damaged, and much bad corn was offered for sale at the markets in that part of the country, and, of course, had the effect of depressing apparent prices, as shown by the *Gazette*, hence before the averages, had risen so as to encourage the entry of foreign corn in the North of England, the real price of good corn for immediate use rose to a frightful height. By a memorandum furnished to me by a gentleman, on whose authority I can place the most perfect reliance, it appears that, on one market day, at Richmond, in Yorkshire, as much as 12*s*. a bushel, or 96*s*. a quarter, had been paid for good wheat; and at Darlington and at Newcastle-on-Tyne, about the same time, the price was as high as 84*s*. a quarter. These were not the prices of fancy parcels chosen for seed, which are often paid for at an extravagant rate, but these prices had been paid for wheat bought *bonâ fide* for immediate consumption. I know also from farmers, that in the part of Northumberland, where I myself reside, prices, not equal to those I have just mentioned, but still exorbitantly high for that district, were given for wheat. At such prices, the consumption of wheaten bread by the working classes was practically prohibited.

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* The importance of the fact which I have here mentioned on the authority of Mr. Jacob, confirmed by that of Sir James Graham and the Agricultural Committee, will be more

Working men have themselves told me, that at the price corn then bore in Northumberland and Durham, it was impossible for them to consume wheaten bread, and that they had been forced to confine themselves to potatoes, barley, and other substitutes. To show more completely the injurious effect of the system upon the consumer, and how little real advantage he gets from the diminishing scale of duties, it is only necessary to remind the House, that while this state of things existed, at the very time this severe pressure was weighing on the consumer, there were near two millions of quarters of wheat in our warehouses under lock and key, and certain to be brought into the market within two or three weeks. Now, Sir, when I see that this is the effect of the varying scale of duties, I say, that it is a delusion to talk of the reduction of the duty under that scale when the averages rise as a boon to the consumer, it would be far better for him to pay, even in seasons of scarcity, a moderate fixed duty, because such a duty would not interfere with the natural operations of trade, and trade if left to itself, would guarantee us against the recurrence of such a state of things as I have just described; I am persuaded, that with a fixed duty, prices could not rise as high as under the exist-

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clearly understood, if we consider for a moment the very different effects which a short crop must have upon the country in the opposite cases, of our having habitually a large or a small stock of wheat on hand at the time of harvest. A deficiency of 10 per cent in the harvest is one of no unusual occurrence (the deficiency of the crop of 1838 is reckoned by Mr. Tooke at 25 per cent, or that of an ordinary year); and if we suppose, that in average years we produce enough, or nearly enough wheat for our own consumption, it will, of course, follow, that a crop short to this extent will create a deficiency equal to the ordinary consumption of one-tenth of a year, or about thirty-six days. In the existing state of the corn trade, which leaves in the country little more wheat than is absolutely required to carry us over from one harvest to another, the whole of this deficiency must be met by importation and by increased economy of consumption enforced by a rise of price. But such efforts are made by persons of all ranks to keep up their accustomed consumption of food, that a forced diminution of it to any large amount, can only be brought about by a very considerable rise in the price of wheat, occasioning, of course, great distress to the poorer classes. On the other hand, if the deficiency is to be met by importation, reckoning the annual consumption of the United Kingdom at 24,000,000 of quarters (the most common by received estimate) the quantity required will be 2,400,000 quarters or more than was entered for home consumption even during last year. It is obviously impossible, that so large an importation can take place without greatly raising the price of corn in the ports of shipment abroad; the sum, therefore, which would have to be paid by this country to foreign nations (including the price of the corn, and the freight, and charges payable to the foreign shipowner) cannot be calculated at a lower amount, than from five to six millions, and it requires no argument to show that we cannot effect so large a payment out of the regular course of trade, as an extraordinary and unexpected demand, without in some way or other occasioning a heavy pressure upon the country, the burden will be as great as if with a harvest equal to our consumption, we were suddenly called upon to raise by taxes a sum of 5,000,000*l.* to be sent as a subsidy to some foreign power. In point of fact, in the present state of the corn-trade, there is reason to believe, that the whole of my deficiency in the harvest is made up partly by economy of consumption enforced by high prices, and partly by importation. Such must be the effect of a short crop when there is habitually not more corn in the country than is necessary to carry us safely over from one harvest to another; let us next consider what would be the effect of an equal deficiency in the harvest if we were in the habit of having a six months stock beforehand, as Mr. Jacob states to have been the case before 1815. Under such circumstances, a short crop would still, no doubt, occasion a rise of prices, and as a consequence of that rise, economy of consumption, and an increased importation of foreign wheat; but these effects would be produced to comparatively a very small extent; the rise of prices would be checked by the increased inducement it would give to the holders of corn, to bring it into the market, and thus the deficiency would mainly be met by drawing on the stock in hand previously maintained; perhaps four out of the five weeks, consumption, for which I have supposed the crop to be short, would be thus supplied, and we must then have six following years of equally deficient crops before the stock in hand would be exhausted. It is hardly necessary to observe, that it is exceedingly improbable that for so many years following we should have deficient crops, it is much more likely that in some of them we should have abundant harvests, when the stock in hand, under a system of regular trade, would be again replenished, and the purchases made with this view, would be no less a relief to the farmer, than the drafts before made on the stock in hand would have previously been to the consumer."

ing law. But grant that such might not prove to be the case, supposing even that some extraordinary combination of circumstances should raise prices to so extravagant a height as to make it necessary in some special emergency to remit the duty, I see no reason why Parliament should not interfere for that purpose by some express measure, or how it can be inferred from that admission that we ought to have a permanent law, providing that the duty should always be reduced when the price of corn reached a certain height. In 1800 and 1801, Parliament in its wisdom thought it necessary to offer a bounty on the importation of corn. Whether judiciously or not, is not now the question; but because Parliament then thought such a measure necessary under the pressure of extreme dearth, did any one think that it would have been wise to pass a permanent act, offering a bounty on the importation of corn whenever the price should rise to 120*s.* a quarter? No one would have made such a proposal; it would have been seen at once that such a law, instead of averting the difficulties of dearth would have produced them by encouraging speculators to hold back their importations whenever the price of corn approached the point at which the bounty was to be paid, in the hope that the extravagant price might be reached, at which they would be entitled to receive it. In this case, whatever advantage may have been derived from granting the bounty, depended upon its being a special and extraordinary measure, and in like manner it may be admitted that a remission of the duties chargeable on the importation of corn, if granted under special circumstances, might possibly relieve the consumer; but it does not therefore follow that any benefit to him will result from the reduction of these duties under the operation of what is called the sliding-scale. Such a reduction for the reasons I have stated, I must contend to be altogether nugatory, as an advantage to the consumer; but at the same time I am prepared to argue, that it is most injurious to the farmer. It is injurious to the farmer, not because it prevents him from obtaining a high price for his corn when there is a deficiency, but because in very abundant years, this state of the law keeps the trader out of the market and prevents him from stepping in to relieve the British grower by purchasing his surplus, and at the same time making provision against a future deficiency. This is the effect of the existing law, because it holds out a prospect of greater profit from speculating in foreign than in British corn. In the committee of 1836, it was proved by the concurrent testimony of persons of the most opposite opinions, of the advocates as well as the opponents of the existing Corn-law, that under that law there is a tendency to invest the capital employed in the corn-trade, rather in foreign than in British corn. Thus, a most serious injury is inflicted upon the British farmer, and he finds that even the prohibitory duties of cheap years cannot prevent a most ruinous fall in the price of his produce. The right hon. Baronet has now acknowledged that this is true, and that the farmer cannot be guaranteed against very low prices in abundant years. This is now acknowledged, but though the high duties levied when the averages are low, cannot prevent a great fall of price in abundant seasons, they inflict nevertheless a grievous injury on the consumer, not by keeping up the price in times of plenty, but because by their effect he is deprived of the resources which in times of an opposite character, a regular trade would have placed within his reach; they deter merchants from making provision beforehand for an unusual demand, so that when such a demand arises, the means of meeting it are in fact limited to those afforded by the nearest markets where the price is speedily raised, because the competition of countries at a greater distance is practically excluded by the uncertainty of the law. Hence, it appears to me, that this uncertainty is in reality a greater burden upon the community than the imposition of even a heavy duty, which being fixed in its amount, would not interfere with the regular operation of trade. Such, Sir, are the grounds upon which I have long come to the conclusion, that the principle of the existing Corn-law to which the right hon. Baronet adheres in the bill now before the House is essentially unsound, and I cannot but express the deep regret with which I see that the present Session is likely to pass away without our effecting a more complete improvement in our policy upon this important subject. I am persuaded that this delay in accomplishing a real reform in the system of our Corn-laws (for it is only the postponement of a reform which cannot very long be deferred) is pregnant with danger to the best interests of the country. Among the reasons which render it expedient that this question should be settled with the least possible delay one of the strongest, is that afforded by the distress under which the country is now admitted to labour. Unfortunately, there can be no doubt as to either the existence or the severity of this distress; all parties are agreed in admitting it to be intense, and in admiring the patience with which the people have borne their sufferings, a patience which adds, if possible, to their claim upon the House for any relief which it is in our power to afford. The right hon. Baronet in submitting to the House the bill now before us, fairly stated, that he did not recommend the measure as a means of relieving the existing distress. [Sir *R. Peel*: Not to give immediate relief.] Yes, not as a means of affording immediate relief, and the right hon. Baronet then proceeded to argue that this admission afforded no valid ground for objecting to his proposal, because the existing distress is not, as he contends, attributable to the Corn-law, and could not by any possible change of that law be immediately removed. Sir, it is my most anxious wish not to overstate the argument; I feel it to be a duty which I should be ashamed to neglect, to avoid on a topic of this exciting nature, anything in the shape of exaggeration. I am bound, therefore, to say, that I so far concur with the right hon. Gentleman as to entertain great doubt whether any measure which it is in the power of the House to adopt, would operate as an immediate cure for the distress that now prevails. I also agree with the right hon. Gentleman in thinking that the Corn-laws are certainly not the only, and perhaps not the principal, cause of that distress. So far, then, I at once would say I concur with the right hon. Gentleman. But I am at the same time bound to add, in the same spirit of candour, that it does appear to me, that the distress under which the people are now suffering, although it may have partly or mainly arisen from other causes, has, at least, been considerably aggravated by the existing Corn-law, and I am also persuaded, that of all the measures which it is in the power of the House to adopt, to prevent a recurrence of that distress, and to promote that return to prosperity of which I, in common with the right hon. Baronet, by no means despair, none is so likely to be efficacious as a complete reform of the Corn-laws. I think that this is a conclusion to be deduced as an inference necessarily and irresistibly following from arguments which have been used, and the admissions which have been made by the right hon. Gentleman himself, and by others who have adopted similar views, as to the causes of the distress. If I am not mistaken, among the causes of distress that have been enumerated by hon. Gentlemen on the other side were these—bad harvests—fluctuations in the value of the currency, and over speculation and production. Now, I am ready to admit, that these three causes have contributed materially to the distress. With respect to bad harvests, it is impossible but that in every state of society they should, more or less, produce suffering. In a country, indeed, which, like England, has arrived at a high pitch of civilization, the effect does not show itself so clearly as in a nation that is in a ruder and less complicated state of society. Still it is impossible that there can be a considerable diminution in the annual return derived from the capital and labour employed in agriculture without a corresponding amount of privation being in some shape or other imposed on the people. There being less produce, there is, of course, less to be divided, and greater exertions must be made by the people to obtain the supply they want. But if the arguments I have addressed to the House as to the effect of the Corn-law upon the trade in corn are true, it is clear that the sufferings produced by bad harvests must be greatly aggravated by the existing system. So with respect to fluctuations in the value of the currency, if these have been one of the causes of the distress, can it be said, that the Corn-law has had no influence in producing this distress, when it is notorious that its effect in preventing a regular trade, and in producing a sudden demand for bullion to pay for corn has, in the opinion of all who are most competent to form a judgment upon the subject, been a cause of great difficulty and danger to the Bank of England, the principal regulator of our currency. With regard to the last mentioned cause of distress, that upon which, as it appears to me, the greatest stress has been laid by hon. Gentlemen on the other side—namely, over speculation and over production, I presume, when hon. Gentlemen on the other side talk of over-speculation and over-production — all they mean to say is, that there has been over-production in certain particular branches of trade and manufactures. It will never, I suppose, be contended, that the people suffer distress because the country in general has been too industrious, and because too much capital and too much labour have been productively employed—in short, that distress and poverty are the results of the country being too rich. This would be a contradiction in terms, and an absurdity which it never can have been the intention of the right hon. Gentleman to utter. I, therefore, apprehend that I cannot be mistaken in saying, that the correct interpretation of the right hon. Gentleman's argument is, that there has been a misdirection of the productive power of the country, and over-activity in particular branches of trade; not that there has been too much energy, skill, and activity generally. If this is a correct representation of the right hon. Gentleman's argument, I entirely concur with him in his opinion. No doubt, it is perfectly true, that much of the existing distress has arisen from misdirection of capital. But if so, does it follow irresistibly; is it not a strictly logical inference from the fact, that such over-speculation and production have been one of the principal causes of the distress, that the best and indeed the only cure which it is in the power of the House to apply, is, to remove the restrictions on trade, and especially upon the trade in corn, which have forced the capital and industry of the country out of their natural and most productive channels? If misdirection and mistakes in the employment of capital and labour have been the causes of distress, then I would say, guard against the future recurrence of that distress by the abrogation of the laws which have prevented capital and labour from falling into their natural channels, and being applied in the manner which would be most productive. This, I contend, is the legitimate inference from the statements and arguments of the right hon. Baronet. But upon this point there is another observation to which it is material to call the attention of the House. Having admitted, that there has been over-speculation and over-production in the sense in which I have used the words, I wish to appeal to any hon. Gentleman acquainted with the actual state of affairs in the nation at the present moment, and I would ask, whether the misdirection and the errors to which I am adverting are not to be in a great degree accounted for by the extreme difficulty that exists at this time in finding a profitable field for the employment of capital and labour. Is it not notorious, that in every branch of trade there is the most intense competition? Throughout the whole circle—if I might so express it —of industry will be found a race of the severest kind going on among capitalists and among labourers. This fact is shown by many symptoms, and especially by the extraordinary tide of emigration that has been setting out of the country for the last few years. That tendency to emigrate is the clearest possible proof of a deficiency in the field for the employment of capital and labour. I find no fault with emigration. On the contrary, I think, that as far as is practicable, every encouragement should be given to it. But still I must assert, that the strength of the tide of emigration does prove the truth of what I have advanced. This emigration is not confined merely to labourers, but consists both of labourers and capitalists. It is instructive to observe what takes place when there is a large emigration of persons from this country. Take the newest colony, New Zealand, for example. A great number of capitalists and labourers proceed to that colony. They consist, I am justified in assuming, of persons who have found it impossible, in consequence of the over-crowded state of this country, to find a profitable field for the investment of their capital and the employment of their labour in England. The moment they arrive in the colony part of the labourers are employed in raising food, and the remainder in providing for the wants of the community in various other ways. At once there is an end to all complaints of deficiency in the means for employment. Nothing is heard but of high wages and high profits; and if there is complaining at all, it is of the want of more capital and more labour. What produces this effect? Is it not the increased field afforded to these people for employing themselves in the production of food? The first step in this circle of increased activity is the increased production of food, and it is by this, that a new field is opened for the exertions of those who had been wasting their time in this country as unwilling idlers. But does it not deserve to be considered whether it might not answer as well and produce the same result, if, instead of forcing a large body of the unemployed manufacturers of Manchester to go to Canada and New Zealand, there to commence farming with which they are unacquainted, they were to be allowed to stay at home to exercise the trade in which they had been brought up, and to exchange the produce of their labour for food wherever they could obtain it? Will any man say, that there is not in America and the northern parts of Europe corn to be had—not immediately perhaps, but in a little time, when this country had given them an assurance that her market would no longer be precarious? Will any man say, that a supply of corn would not be offered in exchange for the produce of the manufacturing labour of this country, and that without interfering in any degree with any existing trade, and without displacing one pound of capital, or one pair of hands from employment? A new demand would be created for the labour of these persons if they were merely allowed to exchange the produce of their labour with persons who were in a position to supply them with food in return. What, I ask, would be the difference to the country? The result to the landlord, so far as relates to the demand for corn, would be much the same as at present. Whether these persons emigrate, or corn is allowed to be imported for their consumption at home, they equally obtain their supplies from a distance; but if they remain at home, their consumption of butcher's meat would go to increase the demand for the produce of the land of England, and their consumption of all exciseable articles to augment our revenue, their demand for all their articles of consumption would promote the activity of various branches of trade, and they would themselves continue to form an integral part of our population, and to increase the strength and wealth of the United Kingdom. This would be the consequence of putting an end to a law which now interferes with that exchange which might otherwise be effected. Sir, I have now concluded all the arguments in favour of a change in the law, founded upon a consideration of the general interests of the country, with which I mean to trouble you, but before I sit down I wish to address a few words more particularly to the owners and occupiers of land. As one having a common interest with them—an interest to which, I assure the House, I am not philosophical enough to be by any means indifferent—for, whatever Gentlemen opposite may think, I have no desire to ruin myself and all connected with me—but as one having common interest with the landowners, wish to point out the extreme and overwhelming importance to them, above all other classes, of an early and satisfactory settlement of this question. First, let me ask those hon. Gentlemen who have an interest in landed property, whether it is not perfectly clear that the bill which is now about to be passed—for I am, of course, aware that it will pass—is merely a precursor to further alterations? The right hon. Secretary of State for the Home Department has, I believe, gone out of his way to disclaim the notion of the present being considered a final measure, and has told the House, as plainly as a gentleman in his position well could, that it is merely a prelude to something more. That it will prove so, that it will speedily be followed by further changes, it seems to me impossible for any man to doubt who will calmly consider the course of events during the last few months, and the present position of affairs. Sir, we know that at the late general election the agricultural party were completely triumphant; they carried all before them, and they have in consequence obtained a Government, in which, as the House had been told by the hon. Member for North Devon, they place the most implicit confidence. Such a Government now holds the reins of office, and with greater real power than has been possessed for some years by any Government. And what has been the result? With all these advantages the victorious agricultural party have abandoned the Corn-law of 1828, which they had hitherto so stoutly maintained, and they have actually, before they have been attacked, struck the flag they had so long nailed to the mast. Why have they done so? Why have they made this surrender in the very hour of victory? Sir, the reason is obvious; it is because, in the midst of their seeming triumph, they have a secret consciousness that the all-powerful tide of public opinion is setting too strongly against the existing

Corn-law to make it possible to retain it. The hon. and gallant Member for Middlesex, has told us plainly that such is the case, and the right hon. Baronet at the head of the Government, in introducing the bill now before us, made a statement, which was not indeed quite so plain, but which, when translated out of the conventional language of a Minister of State, amounted to something like the same thing. The right hon Baronet had said, that all his communications with the agriculturists had convinced him that they in general approved of his intention to attempt some modification of the Corn-law. I have no doubt that they do so: I have no doubt they feel that their long-cherished Corn-law can no longer be maintained in its present shape. But will the change now proposed be satisfactory either to the agriculturists themselves, or to any one class of the community? If it is not calculated to give immediate satisfaction, is it founded upon principles so just in themselves, so consistent with truth and sound reason, that the practical working of the measure is likely to reconcile the country to it? I contend that it is not. It is merely a continuance of the same vicious policy that has hitherto prevailed, and in the course of a year or two we shall see the right hon. Baronet, if he should be then at the head of the Government, coming forward and saying that "This Corn-law cannot be maintained—another change must take place. Although I have a majority in the House of Commons, common sense and reason are too strong for me. The law has worked ill, and it becomes my duty to propose a further alteration." Such will be the language which the right hon. Gentleman will be compelled to use. But would it not be preferable to propose an alteration at once that should at least have some chance of being permanent. We ought not to forget how proverbially true it is that the longer a compromise is deferred, the worse are the terms upon which it can be effected, and the progress of the discussion upon this question shows that the rule holds good with regard to it. The right hon. Gentleman has said that even now a fixed duty would not give satisfaction. I admit that to a large number of persons it would not be satisfactory, but I still hope that if it were now adopted, and the duty were sufficiently moderate, it would be found practically to work so well, that in the course of two or three years all agitation on the subject would be forgotten, and the country would acquiesce in the settlement. But if the present state of things is to be continued, if we are still to be exposed to the general inconvenience which has resulted from the practical working of the old Corn-law, and which will equally be felt if the new one proceeds upon the same vicious principle, then, indeed I am persuaded that the struggle will not cease, and that the difficulty of putting an end to it, except by a complete surrender, will continually increase. Already, by deferring a final settlement until the present time, how much worse are the terms that could now be obtained as compared with those which might have been agreed upon some time back. In 1828, few Gentlemen in this House, and but a small proportion of the country, would have objected to grant to agriculturists a fixed duty considerably greater in amount than any which had been lately talked of. Fifteen or even twenty shillings would not have been thought unreasonable. When I at that time voted for a fixed duty, I was in an inconsiderable minority, and I believe no one even proposed any greater change of our policy such as that which has now so large a party in its favour. Compare the state of things now even with that of only last year. I believe that when her Majesty's late Government proposed their measure of an 8*s*. duty, it would have been acquiesced in by the country. But I do not think it probable that so high a duty would now be accepted as a settlement of the question; I believe that if the House wishes to make a final settlement they will find it necessary to go down to 6*s*. or 5*s*. Every day that we defer the adjustment of this most important question, the worse will be the terms we shall obtain. The interval during which it will still remain in our power to obtain a fixed duty at all, will in my opinion be but short; and this, I think, ought to be a weighty consideration with those hon. Gentlemen who entertain a dread, in which I confess, I do not participate of the effects of foreign competition on our agriculture. For my own part, I should have little fear of the effect of a repeal of the Corn-laws beyond the first disturbance created by alarm and excitement. I do not, like the hon. Member for Devonshire, believe that British farmers are so inferior to the continental agriculturists in skill, enterprise, and industry, that they would be unable to enter into that race of competition of which our manufacturers are not afraid. I believe, on the contrary, that British farmers could compete with those abroad as successfully, as it is well known that our manufacturers have done. And I am confirmed in this opinion, by finding that it is shared by no small proportion of the agriculturists themselves; there is comparatively little of that panic terror of foreign competition which is elsewhere felt, in those districts of the country where the land is best cultivated. In the county with which I am connected, notwithstanding the defeat I sustained at the last election, I can confidently say that the opinion of the best and ablest agriculturists has been shown in the strongest manner to be in favour of a change of the Corn-laws. I believe the number to be daily increasing of those who are satisfied that they have little to fear even from a greater change than that which was last year proposed by my noble Friend the Member for London; and it is especially notorious, that in Scotland and in the North of England, and, indeed, wherever the land is best cultivated, and where the best informed and most intelligent race of farmers is to be found, that the opinion in favour of a change is becoming more and more general. It is in those parts of the country where the most barbarous and negligent system of agriculture prevails that an extreme apprehension as to the effect of an alteration of the law is chiefly entertained. But to return—I think the danger of having worse terms hereafter, is by no means the strongest argument founded on a consideration of the interest of the land, which may be urged against our allowing any more time to be lost before we attempt a permanent settlement of this question. It is, in my opinion, a much more serious consideration, that whilst this matter continues unadjusted—that whilst a law which is felt to be only provisional is allowed to remain in force, it is vain to look for those improvements in agriculture for which there is so much room. I believe that there is no plan that the Legislature could adopt by which the improvement of agriculture could be so effectually discouraged and retarded as the keeping the laws relating to the importation of corn in a state of doubt and suspense; and in spite of the majority by which, no doubt, the measure now proposed will be carried—in spite of the apparent triumph of those who are the advocates and supporters of the retrictive system which now prevails—the House may rest assured that in the public mind there will remain a persuasion (impossible to be got rid of) that although this law is passed now, it can be passed only provisionally. There is nothing that the Government can do—no declaration that it can make—no majority that it can enlist in favour of the measure, that will satisfy the public that this bill will long continue in force. But, whilst further changes are hanging over the heads of the farmers, I ask how it is possible that the various relations between the tenant and the landlord can be satisfactorily arranged? Who will venture to take a long lease of land with the dreadof future and unknown changes in the law relating to the importation of corn? What tenant in a similar state of uncertainty, will venture to make permanent improvements on the land? And when I speak of permanent improvements on the land, I must say, that I think it of the utmost importance, in reference to those improvements, that the Legislature should put an end to a state of the law which has already tended greatly to discourage the system of granting leases. Every one of the slightest experience of agricultural matters in the country must be aware that the practice of granting leases of land has materially diminished since the year 1815. Land is now much more frequently let from year to year than it was in former times, and the system of granting leases to tenants is now only found to prevail in particular districts; formerly it was much more general. This is a change which I think may fairly be attributed in no slight degree to the uncertainty as to the value of land occasioned by our policy with regard to the Corn-laws, and it is a change which I have very high authority for considering to be most injurious. In books not devoted to politics, in the valuable journals of the Agricultural Society of England and of the Highland Society of Scotland, exceedingly able papers have lately appeared, describing the very great and extraordinary improvements accomplished during the lapse of the last half century in the agriculture of Scotland and Northumberland, and among the circumstance which the authors consider to have contributed to bring about this great mprove ment, the greatest influence is assigned, and as I believe correctly, to the practice which happily prevails in those parts of the kingdom of granting leases. How is it possible that the land can be effectually improved unless there is given to those who occupy it—to those who have the stimulus of their own interest to act with enterprise, and to lay out their capital with the view to distant returns—the security afforded by a lease. I appeal to any man who has been in the habit of travelling about this kingdom whether, from the state of agriculture in its different districts, he could not at once distinguish those districts where the practice of granting leases is common. Especially, then, as regards the interests of the land, I hold it to be of the utmost importance that the Legislature should come to a speedy settlement of the laws relating to the importation of foreign corn. I conceive, that it would be the greatest boon that could be conferred on those interests that this question should no longer be left in a state of doubt and agitation. I feel, that in addressing the House at so much length, I have perhaps exceeded the limits to which I ought properly to have confined myself, and therefore though it had been my intention to touch upon one or two other points, I will now abstain from doing so, and conclude the observations I have addressed to the House by entreating the hon. Gentlemen opposite, and more especially those interested in the land, to believe me when I assert, as I do, most unfeignedly, that in supporting the views I have ventured to lay before them for their consideration, I have been actuated by no motive whatever, except a desire to promote that which I believe to be best both for the land and for every other interest in the kingdom. In corroboration of that assertion, and to show that I am influenced by no party motive, I need only to refer to what has been my past conduct in this House. When I had first the honour of a seat in Parliament, the subject of the Corn-laws occupied much of its time, and was the great topic of debate. Hon. Gentlemen must recollect, that in the two years, 1827 and and 1828, the measures proposed by the respective Governments of Lord Liverpool and the Duke of Wellington were under discussion. Both those measures passed through the House of Commons, and one of them is now the law of the land. In the discussions upon both those measures, I voted in very small minorities in favour of the principle of a fixed duty upon corn. In one of those years, if I remember rightly, the supporters of that principle were in a minority of only sixteen, and in the other they numbered, somewhere, I think, between twenty and thirty. Such were the small minorities by which the principle was then supported in this House, and in which I voted. From that time to this, in office or out of office, I have invariably supported the same policy. I have invariably, both by vote and argument, supported the policy of giving greater freedom to the trade in corn, and of abolishing the restrictions imposed by by the existing law. So much in reference to the motives by which I have been actuated. I will now only add, with reference to the vote which I am this evening going to give in favour of the amendment of my noble Friend, that if I conceived that by that vote I should be understood as voting in favour of the existing Corn-law in preference to that which has been proposed by her Majesty's Government, I most undoubtedly should not vote for the amendment. I should, on the contrary, most cheerfully support the measure proposed by the Government, because, as I have already stated, I consider that measure a mitigation, and an important mitigation, of the restrictions now in force on the trade in corn. But I conceive, that the House by its proceedings has already pledged itself to make some change in the law relating to the importation of corn, and that, therefore, the effect of the vote I am now going to give will be merely this—to declare that the principle upon which her Majesty's Government propose to amend the existing law is not, in my opinion, satisfactory. I do not think that the form in which the question has been brought to issue is, upon the whole, the most convenient that might have been chosen. If I had had any voice as to the course to be adopted, I should have greatly preferred that the House should have agreed, without debate or division, to the second reading of the bill, and that in committee an amendment should have been moved to bring the bill, as far as the forms of the House would permit, into the shape in which I think it ought to stand. This, I think, would have been the preferable course; but I felt, that as the proceedings on the subject have already been drawn to so great a length, and that, as there is to be a debate and division in this stage of the measure, it would be highly inexpedient that I should endeavour to cause another debate and another division in a subsequent stage. I wished to avoid giving the House such unnecessary trouble and exposing the public business to much unnecessary delay. Therefore, as I was unavoidably absent during the preliminary discussion on this subject—as this will be the only opportunity of which it will be in my power to avail myself of expressing by my speech and recording by my vote the opinion I have so long entertained upon this question, I have no choice but to vote for the amendment moved by my noble Friend; and I have the consolation of knowing, or at least of believing, that the number of those who will follow the course of the hon. Member for Wallingford (Mr. Blackstone) is so exceedingly small, that there will be no danger—which I should be the first to deprecate—of the failure of the Government measure, in consequence of an alliance of parties entertaining different and conflicting opinions. If we could defeat it by a majority, prepared to carry further the removal of noxious restrictions upon trade, I should be most happy to do so, but I would not make myself the tool of those whose object is not to remove but to continue these restrictions, and I assured her Majesty's Government, that if there were the slightest danger of such a contingency, my name should not be found in the list of the minority upon the division on the question now before the House. With this explanation, and thanking the House very sincerely for the attention it has been good enough to afford to an address which I am aware has been rather unreasonably protracted, I will now resume my seat.

Mr. *Pakington* was strongly and decidedly favourable to the measure proposed by her Majesty's Ministers. He reminded the House that the opinions of Mr. Canning and Mr. Huskisson were opposed to the principle of a fixed duty, and he begged to observe, that if ever there was a speech conclusive against the principle of a fixed duty, it was the speech lately delivered by the noble Lord, the Member for London (Lord John Russell), who made concessions and acknowledgments absolutely fatal to the principle for which he was contending. Much had been said in the course of the discussions on this question as to the injurious operation of the Corn-laws upon the manufacturing interests of the country. One fact was, he thought, conclusive against all that had been asserted upon that point. What had been the condition of the cotton manufacture under the operation of these laws? In 1820 the declared value of cotton exports was 16,500,000*l.* In 1828, the year in which these calumniated laws were passed, the declared value of cotton exports was 17,200,000*l.*; being an increase of less than 1,000,000*l.*, in eight years; whereas in 1839, when the laws now in existence had been in operation eleven years, the declared value of the cotton exports rose from 17,200,000 to 24,500,000, the most gigantic stride ever made in the manufacturing prosperity of any country on the face of the earth. The House having already decided by large majorities against the principle of a fixed duty—having by large majorities decided that there should be some protection still continued to the agricultural interest, the only question that now remained to be considered was, what the amount of that protection should be. In his opinion the scale proposed by the Government was the best and fairest that could be adopted, and entertaining that opinion, he should give to the measure now before the House his unqualified support. He regretted the course that had been taken by the hon. Member for Wallingford. He thought that a measure of this nature, brought forward by a Government entitled to the confidence of every man who loved the institutions of his country, ought to be received with general approbation. But it was not from that feeling alone that he supported the measure. He supported it because he believed it was designed, and well designed, to promote the interests of all classes of her Majesty's subjects, because he believed it to be fair, just, and moderate. The noble Viscount who had just spoken had charged the Gentlemen connected with the landed interest with having struck their flag. He, for one, begged to observe, that he had never deserted from the pledges he had given upon the hustings. He did not mean to contend that there might not be found here or there one accidental instance of parties who had departed from pledges in supporting any thing that differed from the existing law;

but the noble Viscount was completely mistaken if he attributed such conduct to the great body of the friends of the agricultural interest. He could not refrain from adverting to one circumstance connected with the late debate which had given him great pain—he meant the tone of acrimony which had been but too conspicuous between the manufacturing and the landed interests. He did not advert to the speeches of the hon. Member for Knaresborough (Mr. Ferrand) those speeches were altogether peculiar; but whatever the merits or demerits of those speeches might be, he must say that they appeared to burst like rockets amongst the Gentlemen opposite. If the strange stories which that hon. Gentleman told the House about the use of "devil's dust" were true, he had no hesitation in saying that such practices ought to be exposed, and no one ought to rejoice more in their being exposed than the repectable and honest manufacturers. He did not refer to this, but to the tone in which the discussion had been conducted—to the criminations and recriminations, and to those charges of selfish and interested motives which each party had indulged in during the debate; such a tone was not befitting the dignity of the House, nor was such language calculated to promote the interest of any class in the community. He believed the prosperity of the manufacturing and agricultural classes was bound up with each other; that when trade prospered the prosperity re-acted on the landed interest, and when the agricultural interest prospered prosperity was shared in by the manufacturing interest. It was because he believed the measure of Government would conduce to the prosperity of all classes, and not exclusively to that of the agricultural interest, that he was prepared to give it his support. The agricultural interest would so far derive benefit from the measure in having removed from them the odium of enjoying an unnecessary and useless protection, while it would give them a sufficient protection. He thought that the agricultural interest would also be benefited by the new mode of taking the averages. The way in which they would benefit by the new mode of taking the averages, he believed, would be by the averages being honest and *bonâ fide*, and not as heretofore, fraudulent and fictitious. He also thought that the new measure would benefit the commercial classes and the general consumers. The noble Viscount, the Member for Sunderland, complained of the fluctuations under the old law. No doubt that was one great objection to it, but he would remind the House that, with one or two exceptions, the fluctuations in this country had been less than in any other nation. The proposed measure would diminish these fluctuations, and so far the consumer would be benefited. The noble Viscount had said nothing to show that the proposals of Gentlemen opposite, if carried into effect, would be looked upon as a final and satisfactory settlement of the question. The House could not have forgotten that this was no question sought for by her Majesty's Government. It had been brought forward by a hostile party for hostile purposes. Without any warning it was thrown down in May last by the Government for the purpose of discord, in the hope that it would enable the Government to procure from the people, in a moment of passion and excitement, that support which, in their calm judgment, they withheld. He was happy to say that in that hope they had been disappointed, and the result was, that the party then in power were now a weak, feeble, and disorganised opposition. He congratulated Ministers on bringing this question before the House, and on their prospect of being able to bring it to a successful termination.

Mr. *C. Buller*: You talk of consistency! you who cannot maintain even through a single speech a decent show of consistency, nor make your arguments consonant with the votes which you conclude by telling us you shall give. You say, that the old Corn-law is the best law—you attempt to prove that agriculture and manufactures alike have prospered and increased under it; and then, for no earthly reason, except for mere party purposes, end by telling us that "you shall vote for its alteration." It was not his business to defend the course pursued by the hon. Member for Wallingford. The hon. Member meant to vote against the bill, but he had come to his conclusions on grounds totally opposite to those maintained by Gentlemen on the Opposition side of the House, who denied that this was the right principle on which to legislate in regard to corn. Both were consistent; those only must be inconsistent who defended the old law, yet voted for its alteration. He was delighted to hear the hon. Member for Droitwich (Mr. Pakington) add his authority to the condemnation of the acrimonious language used in the debate, but in blaming parties on both sides of the House, the hon. Gentleman made a most remarkable exception; the only person he excepted being the hon. Member for Knaresborough, who, he should have thought, was not ~~exactly the~~ person meant to be complimented for his abstinence from acrimony. It appeared, however, that the hon. Member for Droitwich excepted him solely on the ground of his being peculiar; and if the word was used in the conversational sense, he thought, on the whole, that it was a very sound plea for that Gentleman. He would not attempt to introduce any novelty into the discussion, but he would call the attention of the House to the principal arguments which he thought of importance in considering the effect of the Corn-law. The chief objection urged against the existing Corn-law appeared to him to apply to the present bill—the effect it had in restricting foreign trade. As he could not see how the present bill, embodying as it did the principle of the sliding scale, could insure a regular trade with countries that produced corn, he thought that it would do nothing to remove one of the essential objections to the principle of the sliding scale. Another argument was one which had, if he recollected aright, been first mentioned in that House by a Gentleman, an enlightened advocate of free-trade, and whose absence from these discussions he deeply lamented — he alluded to Mr. Grote, late Member for London; and in expressing his regret for that absence, he thought he might rely on the sense which even political opponents must entertain of the great integrity, the great courtesy, the great industry, and the great knowledge always displayed by Mr. Grote. In 1839 that Gentleman, availing himself of the great alarm created by the monetary crisis which had very recently occurred, pointed out the effect of the Corn-law in connection with that crisis. He showed, that under the present law, the demand for corn would always be uncertain and sudden; and that for want of a regular trade in corn with foreign nations, this country, when a necessity for having corn arrived, was obliged to pay for it in gold —that at the time alluded to the Bank of England had thus been suddenly drained of gold to the amount of between 2,000,000*l.* and 3,000,000*l.* in order to pay for corn, and only been saved from bankruptcy by having recourse to the bank of France. This, in his opinion, was a great objection to the sliding scale. The derangement of the monetary system affected all classes—all who either gave or received credit; and no class suffered more than the farmers, because they were a very borrowing class; and a contraction of the currency of the Bank of England was followed by a contraction in the circulation of the country banks, whose customers the farmers usually were. He wished to know how the present bill could remedy this evil. He wished now to direct the attention of the House more particularly to an evil arising from the present system, the magnitude of which had been impressed on his mind by a document which had been recently laid before the House—he alluded to the effect of the Corn-law as a tax on the employment of human labour. The document he referred to was the report of the inspectors of factories, more especially the report of Mr. Horner, inspector in Lancashire. He believed that document had not been referred to in the course of the debate, except once by the right hon. Baronet, the Member for Dorchester, who had quoted from it before it was published. He thought the publication would show that the right hon. Baronet was by no means correct in his deductions from it. Great credit was due to Mr. Horner for the trouble he had taken in inquiring into the condition of the people employed in the factories of this country, and he must say, that the conclusions to be drawn from that document were perfectly appalling when considered in reference to the condition of the people of England. Mr. Horner had carried his inquiries through the different factories in his district; he had calculated the amount of power existing in each; he had calculated the number of persons which the manufactories would employ if they were in full work; he had given the results in a table; in which he had also specified the amount of power actually in operation, and the number of human beings actually employed at the period of his report. Bad as he had thought the condition of the people employed in the factories, he never believed that the amount of destitution was so great as that which actually it was. Mr. Horner stated that his remarks did not apply to the cotton trade merely, but more or less to the silk trade, and to the woollen and flax trade even more than to the cotton trade. It appeared, then, that if the mills generally had been at work, and all their available power in operation, about 29,800 persons would be actually employed more than the number now employed. The number of persons employed on short time, and consequently receiving diminished wages, was no less than 32,000; so that there were 61,000 persons partially employed, or not employed at all; and even deducting 14,516 for the 3,350 new horse power added since 1839, there would still remain 15,300 unemployed, and 32,000 partially employed, out of those who appeared once to have been employed—making together nearly 50,000 people out of 223,000, or about two-ninths of the population in distress for want of employment. He was aware that it might be said that additional power had been created without ever having given employment; but it struck him, from the general character of the report, that the whole number of people had been employed. The right hon. Baronet, the Member for Dorchester, stated the other night, that since 1839, no fewer than ninety-one new cotton mills had been established, and he was sure the right hon. Baronet, in alluding to a document not before the public, did not intend to deal unfairly with the House when he stated the addition which had been made to the productive power of the country; but in using that as an argument against any distress in the manufacturing districts, he ought to have stated that during that time the addition was in this way far more than counterbalanced by the enormous quantity of power thrown out of employment. The right hon. Baronet mentioned that ninety-one new additional mills had been established, having a power of 3,350 horses; but it appeared that at the very same time mills having a power of 6,778 horses were out of employment, so that there still remained mills having a power of 3,438 horses unemployed, and as Mr. Horner showed, this power would give employment to about 16,000 persons. It appeared, then, that nearly 60,000 persons were either destitute of employment, or working on short time. He would not have dwelt on this appalling fact if Mr. Horner had not in his report, pointed out the nature of the causes which prevented persons finding employment, and given a fair ground for inferring that these fearful results were connected with the operation of the sliding scale; and he dwelt on this part of the subject, not in order to harrow the feelings of the House by picturing the distress, but in the hope that by doing so he might be able to make them comprehend the effect of the Corn-law on the condition of the people, and induce them to apply a remedy. Mr. Horner stated the mode in which the distress in the manufacturing districts was bringing about the substitution of machinery for human labour—how it was that the more the manufacturer became distressed, the greater was the difficulty he experienced in competing with the foreign manufacturer; and the greater the ingenuity he exercised in the invention of machinery that he might as much as possible dispense with human labour. The distress was not merely temporary when they thus threw human beings out of employment, unless some new and great stimulus was given to trade. Every improvement in machinery, in the long run, with free-trade and with full opportunity for human labour to develope itself, must increase the amount of human labour employed; but the application of improved machinery which was occasioned not by prosperity, but by the efforts of distress, merely substituted machinery for a certain amount of human labour, without leading to any further demand for the latter. Under the present system, there might be human labour thrown out of the market and for ever kept out of it by the introduction of machinery. In every manufacture, said Mr. Horner, ingenuity had been stimulated to manufacture the articles at less cost, by making machinery more productive and by substituting mechanical for manual labour; and, when manual labour was still necessary, by substituting children for adults. In every department of a cotton mill the object had been carried more or less into effect by these means, but in no department so conspicuously as in one of the last processes, the spinning of the yarn on mules, which was performed by the most skilled, and therefore the highest-paid class of workers in the mill. Those persons who were formerly paid the highest wages now earned least, and were called by their brother workmen cyphers. He would invite the attention of the House to the specific means by which, according to Mr. Horner, human labour was dispensed with. That gentleman stated, with regard to Manchester,

> "In a mill in Manchester (A. B.), where they spin the finest numbers of yarn, a room was shown to me where, in 1829, there were eight mules of 324 spindles each, worked by four spinners. The mules were afterwards doubled in length, and carried 648 spindles, and I found them worked by two spinners. These lengthened mules were immediately to be double-decked, as similar ones in the mill had already been, and then one man would work the whole. Thus one man now works the 2,592 spindles, which in 1829 were worked by four men. In another mill (L.L.), also spinners of fine yarn, I found a man working two mules of 864 spindles each, who formerly worked two of 300 each. The mule of 300 was thirty-four feet long—that of 864 was ninety-four feet. At a mill in Bolton (G.H.), spinning low numbers, I found a man who had formerly worked two mules of 336 spindles each, working four double-decked mules of seventy-two feet in length, and carrying each 672 spindles, so that he was working 2,688 spindles. He was spinning No. 40. * * * The owner of a mill in Bolton (J.K.) writes to me: 'By increasing the length of our mules, we now employ only twenty-six spinners to do the same work which required thirty-five spinners in 1837.'"

Again, Mr. Horner said:

> "In a mill in Manchester, spinning fine numbers (M. N.), thirty-three spinners do the work on which sixty were formerly employed. In another of the same description (H. G.), two years ago they had nine spinners, but, by double-decking the mules, only three are required. In a third (F. E.), spinning low numbers, they had in 1834, forty-six spinners and eighty piecers; they have now twenty-five spinners and seventy-five piecers to do the same work. The proprietors of a large mill in Manchester parish (U. T.), engaged in spinning only, state, 'that by recent improvements in their machinery, they had reduced the number of persons employed from 338 to 258, thus saving the wages of seventy-two persons, without diminishing the quantity of work turned off.'"

He admitted the general principle, that in a system of free trade the saving of human labour was advantageous; but in the present state of things, and under the present system of Legislation, it appeared to him that the immediate saving of human labour, by the introduction of new machinery into any particular process, was not compensated by a general increase of the demand for labour: and that the fact was, that the number of persons out of employment was fearfully large. The account of the effect upon the wages of those still employed was not quite so unsatisfactory. In the case of some classes of workmen wages had increased; but as a counter-balance, one out of every two workmen in those classes had been thrown out of employment. It appeared to him that there was a fatal change taking place in our manufactures; not fatal under some circumstances and under a proper system of trade, but fatal unless the people could get employment. What was the operation of this substitution of machinery for human labour? Capital was expended on machinery and mechanical improvements, and the workmen were thrown out of employment. But that was not all: a tendency was given to over production. For when human labour was employed, if from overproduction or other causes prices were not remunerative, the balance was restored by not employing so many labourers, and thus diminishing the amount of production; but when mechanical labour was used, and the machine was made, as Mr. Horner explained, and as hon. Gentlemen who were at all acquainted with these things must well know, the manufacturer found it advisable to go on working and producing even at a loss, rather than permit the machinery to stand still. Now what was the effect, and what was the natural and obvious remedy for over production? A cessation of production in order to allow the stock on hand to become exhausted, until the supply and demand again become in due proportion to each other. But in Lancashire it appeared that the manufacturers were working their mills at a loss rather than not at all: and Mr. Horner said that in consequence of the decreased price, the manufacturers could only pay themselves by increasing the quantity produced and sent into the market, and thus still more overstocking the world with goods: so that instead of their having reason to hope that, from the exhaustion of the stocks in hand, demand would gradually revive, and employment increase, there seemed reason to apprehend that what had occurred during the two last years of distress had only augmented the stock of manufactured goods, and deferred the period of renewed demand and renewed employment. But it might be said, what had this to do with the Corn-laws? He did not say that those laws were chargeable with all these evils, but the operation of those laws must tend to produce such results. There were, no doubt, other causes which contributed to produce those evils. The competition of capital would necessarily, he was aware, reduce profits; but was that any reason why, by their legislation, they should reduce profits still more? It was no excuse to say that distress would have existed without legislation, when it was obvious that the operation of the Corn-laws, by diminishing the supply of corn, necessarily increased the value of human labour. Now, he, for one, doubted that the plan of the right hon. Baronet would tend to diminish the existing evils. Throughout the whole of his speech, the right hon. Baronet had not said that his object was to diminish the price of food. The right hon. Baronet, had taken some offence at an hon. Member saying that his intention was to fix the price of corn. The right hon. Baronet said he would not pretend to regulate prices by legislation; but the only defence he made for his bill was, that prices would be kept under it to a certain amount; that prices had averaged at 56*s*. or 58*s*., and that under the bill they would range at 54*s*. or 56*s*., which he considered a very good price to be maintained. [Sir *R. Peel:* The hon. and learned Gentleman is mis-stating what I said.] Perhaps the right hon. Baronet would explain what he had really said. He was not quoting from a book or from a newspaper, but he had understood the right hon. Baronet to say that the price had been 56*s*. or 57*s*. under the old law, and that no one could fairly complain of the price at 56*s*. to 58*s*., and that his bill would tend to bring about that average of prices. He admitted that the right hon. Baronet had not said that his bill would do this, but he did the best he could in the bill to bring about that effect. But what in fact was the avowed object of a sliding-scale except to keep the price at a particular amount? If not, why did they put on a high duty when the price of corn was low, and a low duty when the price of corn was high? Why to make the price of corn something between the two extremes. [*Cheers from the Ministerial Benches.*] A noble Lord, a Member of the Government, cheered. He assumed, therefore, that the noble Lord put the same interpretation upon the measure as that which he was attributing to the right hon. Baronet. He had stated some of the grounds of his objections to the old Corn-law, which were not, in his opinion, removed by the measure now before the House; and there was also this great objection, which applied to this as it did to every other law having a sliding-scale for its principle—viz., its monstrous and palpable injustice,—the injustice that they should frame laws not to compensate for particular burdens falling upon particular classes—not to guard against temporary evils, but to secure to the farmer that which no Legislature had ever attempted to secure to any other tradesman or manufacturer—viz., a certain and high price for his produce in every season, and under every variety of circumstance. The uncertainty of seasons was a disadvantage that applied not to corn only, but equally to all agricultural operations; sugar, cotton, coffee, and in fact every article that was raised from the earth, depended on the seasons. But then there were advantages in agriculture which compensated this disadvantage to a great extent. Agriculture ought not to have these advantages over other trades without the counterbalancing evil that nature had assigned them all. So long as they had a law upon the principle of the one before them, so long as they had a class interest keeping up the price of agricultural produce by legislative enactment, so long would they hold out to the world an instance of a Legislature endeavouring by its legislation, to promote the interests of its members against those of the people at large. He had never indulged in imputations against the agriculturists, and he was not now going to attribute to them any sordid or improper motives, but this he might say, that they were, in this matter, following that bias of judgment which, even in the highest-minded people, would operate with them in favour of their own interests. Hon. Gentlemen were giving way to that bias without feeling its force; but, as long as legislation was carried on under its influence, they would give grounds for discontent, and teach the people to complain. One argument in favour of the present Corn-law, which had been advanced during the discussions upon the subject last year, struck him as having some weight with many hon. Members, and he was desirous to reply to it by specific statistical statements, instead of by general argument. The hon. Member for Dorsetshire (Mr. Bankes) had repeated the argument, and he believed it had even been advocated by some of those who were favourable to free-trade principles. It was said, that there was at least this good in the Corn-laws, that when the price was high in this country, the duty on foreign corn was low, and thus a supply was obtained. The only argument in favour of a sliding-scale, as against a fixed duty, which had any semblance of force, was that derived from the fact, that the varying duty is when prices are very high below the amount of 8*s.* proposed for the fixed duty. Those who used this argument confined the attention of their hearers to the mere item of duty, and dwelt on the diminution of duty as if that were of any importance to the public, while that diminution denoted an increase of price. "What right have you to complain," they said, "when the duty is only a shilling?" The fair answer to this would be—"We have a right to complain when the price of wheat is 73*s.* a quarter." This argument was more particularly used in the debates of August and September last, and as the price was then high, and corn was coming in at a 1*s.* duty, it was frequently said, in the course of those debates, that it would at that very time be worse for the public to have the fixed duty proposed by the late Government than the existing sliding-scale. "I am always rejoiced, continued the hon. and learned Member, to be able to get a fallacy committed to specific facts, and reduceable to actual figures, and as I think it is most useful that the country should know exactly what was the result of having the existing sliding-scale instead of the proposed fixed duty, during the months of August and September last, I think I may as well trouble the House with an estimate of the exact amount, which I have drawn up from the returns that we have. From the returns made by the corn inspectors, and given in page 50 of the last papers on this subject which have been sent round, we get the actual amount of sales in the markets in which the averages are taken. We know also the average price; and can, therefore, exactly calculate the amount paid for the whole quantity of corn sold in these markets. Now, I have compared these amounts with what I estimate as those which would have been paid on the same quantities had the plan of the late Ministry been adopted by Parliament, and the 8*s.* duty become law about the beginning of August. Had that been the case, I may assume that in the first week of August a considerable importation would have commenced. The average price then was 68*s.* 3*d.*, and I may therefore, at least, assume that the price would not have risen above that amount, but continued thereat from that time to the 10th of September, when the great importation actually took place. But, surely, I may assume more. When the importation actually took place the price immediately fell to 64*s.* 8*d.*; and, unless not only all the notions of Gentlemen opposite, but also all the calculations of practical men respecting the price at which wheat might be imported from abroad are utterly erroneous, I may surely assume that in August last wheat might, with a profit, have been landed in England at 56*s.* 8*d.*, and might, consequently with an 8*s.* duty, have been sold for 64*s.* 8*d.*, and I think I shall, therefore, be quite within the mark when I assume that the operation of a fixed duty of 8*s.*, taking effect at the beginning of August last, would have been immediately to bring down prices to 64*s.* 8*d.*, and keep them at any rate as low as that. Now, I find from the returns, and from the *London Gazette*, that during the period of six weeks from the 30th of July to the 10th September:—

In the 1st week there are returned as sold 110,076 quarters, at an average price of 70*s.* 5*d.* per quarter.

In the 2nd week there are returned as sold 111,346 quarters, at an average price of 72*s.* 5*d.* per quarter.

In the 3rd week there are returned as sold 108,383 quarters, at an average price of 74*s.* 7*d.* per quarter.

In the 4th week there are returned as sold 91,219 quarters, at an average price of 76*s.* 1*d.* per quarter.

In the 5th week there are returned as sold 69,898 quarters, at an average price of 74*s.* 1*d.* per quarter.

In the 6th week there are returned as sold 72,915 quarters, at an average price of 71*s.* 2*d.* per quarter.

Now, on the supposition of the price having under a fixed duty continued all this time at 68*s.* 3*d.*, the enhancement of price, and consequent loss to the consumer, by the sliding-scale, would have been—in the first week, 2*s.* 2*d.* a quarter; in the second, 4*s.* 2*d.*; in the third, 6*s.* 4*d.*; in the fourth, 7*s.* 10*d.*; in the fifth, 5*s.* 10*d.*;

and in the sixth, 2*s.* 11*d.* On the supposition that under a fixed duty the price had fallen to, and continued at 64*s.* 8*d.*, the loss would have been—5*s.* 9*d.*, in the first week, 7*s.* 9*d.* in thes econd, 9*s.* 11*d.* in the third, 11*s.* 5*d.* in the fourth, 9*s.* 5*d.* in the fifth, and 6*s.* 6*d.* in the 6th. Taking these data, it is easy to calculate what the loss to the consumer, occasioned by having the present sliding-scale, instead of the proposed fixed duty, would have been;—

1st week, the loss on 110,076 quarters sold would, on the first supposition, have been 2*s.* 2*d.* per quarter, equal to 11,924*l.*, and on the second 5*s.* 9*d.* per quarter, equal to 31,684*l.*

2nd week, the loss on 111,346 quarters sold would, on the first supposition, have been 4*s.* 2*d.* per quarter, equal to 23,197*l.*, and on the second 7*s.* 9*d.* per quarter, equal to 43,146*l.*

3rd week, the loss on 108,383 quarters sold would, on the first supposition, have been 6*s.* 4*d.* per quarter, equal to 34,321*l.* and on the second 9*s.* 11*d.* per quarter, equal to 53,839*l.*

4th week, the loss on 91,219 quarters sold would, on the first supposition, have been 7*s.* 10*d.* per quarter, equal to 35,727*l.*, and on the second, 11*s.* 5*d.* per quarter, equal to 52,070*l.*

5th week, the loss on 69,898 quarters sold would, on the first supposition, have been 5*s.* 10*d.* per quarter, equal to 20,386*l.*, and on the second, 9*s.* 5*d.* per quarter, equal to 32,910*l.*

6th week, the loss on 72,915 quarters sold would, on the first supposition, have been 2*s.* 11*d.* per quarter, equal to 10,633*l.*, and on the second, 6*s.* 6*d.* per quarter, equal to 23,697*l.*

Thus in six weeks, the loss on 563,837 quarters sold would, on the first supposition, have been 136,188*l.*, and on the second, 237,346*l.* Now, the total amount of wheat returned by the inspectors, as sold in 1841, is only 3,913,927 quarters, but the consumption of the United Kingdom cannot be estimated at less than 16,000,000 quarters of wheat, and consequently the quantity returned from these towns does not appear to be one-fourth of the total consumption. In order, therefore, to estimate the real amount of the loss in these six weeks, we must suppose that there was at least four times as much corn sold all over England, with a similar loss thereon. This would give a total sale of about 2,255,348 quarters, on which the loss, even on the supposition that a great importation had merely kept down the price to 68*s.* 3*d.*, which it was at the end of July, would amount to 544,752*l.*; and on the supposition that a great importation, at the beginning of August, would have reduced the price to 64*s.* 8*d.*, as it actually did when the large importation took place in September, the total loss would have been not less than 949,384*l.* But this is doing no justice to the comparison between the operation of a fixed duty and a sliding-scale. If there is truth in any of our speculations on the subject, the effect of a fixed duty would be to produce a regular trade in corn—liable, no doubt, to some fluctuations in price, in consequence of variations of seasons and harvests, but still enabling us generally to command a regular supply of corn from abroad, at a price of 50*s.* or 52*s.*, or, with a fixed duty of 8*s.*, at a cost of from 58*s.* to 60*s.* I see no reason to doubt that, had a fixed duty been for some years in operation, and had we been in the habit of drawing a regular supply of wheat from the continent, we should, with a fixed duty of 8*s.*, have obtained foreign wheat during the whole of these six weeks at 60*s.* the quarter, and that the price of the wheat sold in England during that time would never have risen beyond that sum. Now, on this supposition, what was the loss attributable during these six weeks to our having a sliding-scale instead of a fixed duty of 8*s.*?

In the first week a loss of at least 10*s.* a quarter on 110,076 quarters, equal to 55,038*l.*

In the second week a loss of at least 12*s.* a quarter on 111,346 quarters, equal to 66,807*l.*

In the third week a loss of at least 14*s.* a quarter on 108,383 quarters, equal to 75,868*l.*

In the fourth week a loss of at least 16*s.* a quarter on 91,219 quarters, equal to 72,975*l.*

In the fifth week a loss of at least 14*s.* a quarter on 69,898 quarters, equal to 48,928*l.*

In the sixth week a loss of at least 11*s.* a quarter on 72,915 quarters, equal to 40,103*l.*,

Which amounts, in the six weeks, to a total loss, on 563,837 quarters, of 359,719*l.*, in the average towns; and consequently, on the grounds which I before mentioned, to a total loss of probably no less than 1,438,876*l.* on the total quantity sold in the United Kingdom during that period. But this is not the total loss to the public by having a sliding-scale instead of a fixed duty. As far as a duty, whether fixed or varying, raises the prices of home-grown grain, the additional sum taken from the consumer goes into the pockets of the seller; and the loss to the public which I have calculated on these three suppositions at 544,000*l.*, 949,000*l.*, and 1,438,000*l.* respectively goes into the pockets partly of the landlords and partly of the corn-dealers. But, with respect to the foreign corn imported, whatever is added to price by a fixed duty all goes to the public revenues, contributes to public purposes, and benefits the consumerss of corn by preventing the necessity of imposing other taxes. But in the case of a sliding-scale, a very small portion of the additional price attributable to the duty goes to the public; because the high duties, for the most part, operate on price without being actually paid; and those that actually are paid are almost always insignificant. In September last, no less than 2,178,371 quarters of wheat and flour were entered for home consumption, chiefly at the 1*s.* duty, on which the total amount received for public revenue was only 135,818*l.* Now, at an 8*s.* duty, the same amount of wheat would have produced a total amount of 871,348*l.*; and if you deduct from this 135,818*l.*, the amount actually received, the remainder, about 730,000*l.*, is the amount lost to the public revenue by having a sliding scale instead of a fixed duty. And this loss of duty is not, as I have shown, compensated to the public by any diminution of the price of bread, but is aggravated by a considerable increase of price, owing to the sliding-scale. In addition to this clear loss of 730,000*l.* in the shape of revenue, the public loses, by having to pay according to the three preceding calculations, either 544,000*l.*, 949,000*l.*, or 1,438,000*l.* So that, putting the two losses together, the public could not have lost less than 1,274,000*l.*; it may, more probably, be said to have lost 1,679,000*l.*; and, comparing the actual working of the sliding-scale with what would probably have been the working of a fixed duty, had it had a few years' trial, we cannot say that the comparative loss of both kinds occasioned by our present system could have been less than 2,168,000*l.* This is my answer to the argument, that at any rate when prices are high, the present sliding-scale is less oppressive than the proposed fixed duty; that the sudden lowering of the scale of duty at high prices compensates for its height at low prices; and to the assertion, that in the course of this very last season the price of wheat would have been greatly enhanced had we had an 8*s.* fixed, instead of the present fluctuating duty. I meet these assertions by taking the exact working of the sliding-scale on the actual sales and importations of six weeks, and comparing it with what we may fairly calculate to have been under similar circumstances during the same period, the working of a fixed duty of 8*s.* I think I have proved that by the operation of the sliding-scale, the price of bread was greatly enhanced, so much so, that we cannot fairly say that the people of England had less than 1,438,000*l.* more to pay for six weeks' wheat than they would have had with an 8*s.* fixed duty; that this sum they lost by the present law remaining in force; that this sum they would have kept in their pockets had the 8*s.* fixed duty been fairly in operation; that this sum they paid to the landlords and corn-dealers; and that in addition they lost 730,000*l.* for the revenue of this country, and had the pleasure of paying it, partly to continental landlords and corn dealers, and partly to our own speculators. I have taken here the very circumstances selected by our opponents as most favourable to the sliding-scale. Under these circumstances alone do they represent their device as producing more relief to the consumer than could be obtained with a fixed duty. Under these very circumstances, I think I have proved the sliding-scale to be productive of a very serious comparative enhancement of the price of bread, as well as of a waste of public revenue. But, however I may flatter myself as having shown the fallacy of this very common argument in favour of the sliding-scale, and however curious I may may be to hear how the inferences which I have deduced from actual facts and figures can be met, I cannot flatter myself that the fallacy which I have attempted to expose will be used one bit less frequently or less confidently than before. But I feel confident that the public has thought so much on the subject within the last few months that it will not be imposed on by this fallacy, or allow its ears to be tickled by this confusion between duty and price. The public has learned to distinguish between duties and prices; it has learnt that though, according to the sliding-scale, the duty falls as the price rises, the material point for the consideration of the consumer is, that the price rises as the duty falls; and that to him the material thing is not what duty is paid at the ports, but what price he pays in the markets. The public is not to be misled by the pretended humanity of your low duties; it knows well that in these low duties lies the very sting of the sliding-scale, and that low duties mean high prices. For it is to get to these low duties that corn is kept back until the price rises to that great height at which the duties are lowest. He felt grateful, continued the hon. Member, to the House for the attention with which they had listened to the arguments which he had brought forward to defend his vote. There were certainly two merits in the bill of the right hon. Baronet. The first was, that it would bring a little more revenue. Another, and a far greater, advantage was, that it had pulled the first brick out of the old system, which gave hope that the rest might follow at a future time. The poor old Corn-law, after having been ridden to death in June and July last on the hustings, now found only one defender in the hon. Member for Wallingford (Mr. Blackstone). At any rate, with whatever arguments hon. Members went to the hustings for the future, the good old Corn-laws would not be amongst them. No, it would be the merit of having repealed that law which would henceforth be insisted on. Some other cry would be resorted to, just as unfair and unmeaning, with a consistency like that of the hon. Member for Lincolnshire, he meant the Member opposite (Mr. Christopher), who first of all said, "stand by the old Corn-law," who next proposed an alteration in that law, who then proposed to make a change in that very alteration, and finally who wound up his consistency by voting against himself, and negatived his own amended proposal. The right hon. Baronet the other day had adverted, in a touching manner, to the difficulties by which he was surrounded on the present occasion. He had addressed the Opposition—he had appealed, although not in explicit terms, to their good sense, their generosity, their sense of public duty, to support him against these unreasonable friends of his. On the only two occasions when those friends of the right hon. Baronet had plucked up their courage to divide against him hon. Members on the Opposition side of the House had supported the right hon. Baronet. He assured the right hon. Baronet, that whenever the right hon. Baronet's agricultural friends gave him an opportunity of choosing between the right hon. Baronet's scheme and a worse proposition, the right hon. Baronet should have his support; but whenever it was a choice between the right hon. Baronet's scheme and a better, he should be compelled to vote against him. Might he venture to ask the right hon. Baronet, hampered as he was by the agricultural and landed interest. [Sir *R. Peel* "had nothing to complain of."] Might he ask the right hon. Baronet, when he appealed to them to take this reasonable course, to take a retrospective glance, and to say what would have been the result, if the right hon. Baronet seeing that sooner or later some change was inevitable, had pursued the same reasonable course, when his noble Friend was in office? He conscientiously believed that if the right hon. Baronet had last Session set the example by coming forward and holding to the agricultural interest the same language as he held now—had he told them then as he did now that he would make as good terms for them as he could, if they would not insist on having too much—if, instead of raking up all the stale arguments which he found in favour of the old Corn-law, causing the utmost excitement and violence amongst the agricultural interest—if, instead of doing this, he had come forward, holding the same language of moderation which he now held—it was, he repeated, his conscientious belief that the right hon. Baronet might have contributed then to do what he sought to accomplish, but which even the right hon. Gentleman could not expect to do, by the present measure—namely, to put the trade in corn on a stable footing by a solid and enduring law.

Sir *E. Knatchbull* was understood to maintain that, notwithstanding all that had been said, the proposition of the right hon. Baronet had given general satisfaction to the agricultural interest. He would even go so far as to affirm that no measure which had ever been submitted to that House, had met with a more unanimous concurrence, both of Parliament and the public, than the proposition of the right hon. Baronet. [*Ironical Cheers.*] Did hon. Gentlemen dispute the fact? He did not mean to include the Anti-Corn-law League. He was aware that petitions had been presented against the Government measure. He knew also that they far outnumbered those in favour of the measure; but why? It was because the same means had not been resorted to by the agriculturists. It was because those in favour of the right hon. Baronet's measure preferred employing the means they possessed in alleviating the distress of the poor, to prostituting them in mischievous and useless agitation. Feeling that an apology was necessary on his part for venturing to address the House upon a subject on which every argument had been exhausted, and which he hoped was consequently about to terminate, he felt acutely the great disadvantage under which he laboured in following the hon. and learned Gentlemen who had just addressed the House. That hon. and learned Gentleman admitted that the proposition of the right hon. Baronet had some merit, because it had removed one brick from the old Corn-law, from which he augured the fall of the whole structure. The noble Lord, the Member for Sunderland exulted in the abolition of the "No surrender cry." He had talked of capitulation, and declared that the flag was struck. He ventured to tell the noble Lord that the flag was not struck—that there was no surrender. The noble Lord had gone beyond the 8*s*. duty, he wished to have no duty whatever. Nay, the noble Lord went further. He said that he believed that, in making that avowal, he was expressing the opinion of the farmers of Northumberland. [Viscount *Howick:* No, no.] If he had misapprehended the noble Viscount, he begged his pardon. He unquestionably understood the noble Viscount to go that length. He confessed that he was much disappointed at the observations which had fallen from an hon. Member in that evening's debate, and he was sorry that the hon. Gentleman was not in his place during the speech of the noble Viscount. For they had only three propositions before the House—a fixed duty, against which the hon. Gentleman had voted—a free-trade, to which he was opposed—and the right hon. Gentleman's proposal. Would the hon. Gentleman vote against all? If so, did he think he could maintain the present law, which those in the Cabinet, under the existing circumstances of the country, and considering the increase of population since the Corn-law of 1815 was passed, thought could not be maintained. The hon. Gentlemen the Member for Liskeard, advocated a duty for the purpose of revenue, but what would the country say if this money were raised by a taxation on food. Then, said the hon. Gentleman, they ought to look to the interests of consumers in having a lower price of corn. Now, he did not think that lowering the price of food was all that was necessary; it was the means of purchasing that was required, for a man who had no money could get no corn. It reminded him of the story of a gentleman from the sister country, who went into a shop in London and asked the price of eggs, and was told they were six for a shilling. "Oh," said he, "six for a shilling! why, I can get thirteen for a shilling in Ireland." "Then," replied the shopkeeper, "you had better go back to Ireland." "No, rejoined the gentleman, "that's of no use, for though I can get thirteen eggs for a shilling in Ireland, I have no money there to purchase them." The noble Lord, the Member for Sunderland, in speaking of the prices of corn, had said, that although there had been a good harvest, the price of corn in the neighbourhood in which he resided had remained high, and had caused great suffering. If this had been the case, it must have been that it was necessary to buy old corn before the new corn could be brought to market; but if such a thing had occurred in his part of the country, he was sure that wages would have been advanced with the high price of corn, and that the suffering of which the noble Viscount complained would not have taken place. He must refer again to the hon. Member for Liskeard on one other point. The hon. and learned Member had alluded to the want of employment for labourers in the manufacturing districts and attributed that to the operation of the Corn-laws. He did not understand how the hon. Member made that out. The hon. Member said, that only one man was now employed out of four, and that within a certain district seventy-two manufacturers were not employing their workmen full time; the distress, however, of these parties did not arise from the Corn-laws, but from labour having been supplanted of late by improvements in machinery. He had given his consent to the bill before the House, trusting that it would soon pass into a law, and in the full conviction that it would conduce to the benefit of all the interests of this country, agricultural, commercial, and manufacturing. Hon. Gentlemen opposite talked of the exclusive friends of agriculture. That observation, however, could not apply to the present Government; they had proposed this change in the law in the confidence that it would do justice to the agricultural interest, but with all equal conviction that they were doing what would ultimately tend to the great advantage of all classes. If the interests of the country were bound up together, and if one interest could not prosper without the others, he might venture to anticipate that it would be thought that the matter had been fairly considered by the Government, and that the ultimate effect would be what all most anxiously wished, and which every friend of this country should wish to be the result. Very much had been said in the course of the discussion as to the tone and temper in which this should be discussed. He agreed in thinking that anything like violence should be avoided, and he was quite satisfied that whatever defects there might be, it was right to pass this bill into an act. Whenever the time should arrive when it should be deemed consistent to make further changes, he trusted that it would not be done in the midst of criminations and re-criminations, but that they would never lose sight of the great principle of doing everything for the safety, honour, and well-being of the country.

Viscount *Howick* begged to say one word by the way of explanation. The right hon. Baronet who had just sat down had done him the honour of quoting passages from the speech which he had made upon the subject, but the right hon. Baronet had quite mistaken him on one point, for he had quoted him as having said precisely the opposite to that which he did say. His argument was this—that the present Corn-laws were so very injurious to the interests of the country that it would be much better if they had been totally repealed. He, however, added, that his own view was this: that for the interests of the country generally it would be better that a fixed moderate duty should be imposed. To prove that these were his sentiments he had gone further, by stating that in a very short time he believed such an arrangement as he had advocated would not be any longer practicable, for that nothing but a total repeal would then give satisfaction. What he had also stated was this: that among even the farmers themselves, there was a growing opinion hostile to the existing Corn-laws. This opinion, he must say, prevailed much more among the farmers in the North of England than those in the South, which latter class was much inferior to the former in comfort and intelligence.

Sir *E. Knatchbull* was perfectly satisfied with the explanation of the noble Viscount.

Mr. *Sheil* said, I certainly am surprised that the right hon. Gentleman who has just sat down, and who is so remarkable for perspicuity, should have mistaken the observation of the noble Lord (Viscount Howick), who is so remarkable for his perspicuity. The right hon. Baronet has misconceived what the noble Lord advanced, and he seems to me to have omitted that part of the speech which is most deserving of attention. Among the observations of the noble Lord, I was struck with one which appeared to me particularly deserving of attention. The noble Lord designated the measure of the right hon. Baronet as the precursor of ulterior measures. The noble Lord stated that it was obvious that the right hon. Baronet cannot stop here, and that either he or some other minister must ultimately abandon this protection. To that observation no remark has been made by the right hon. Gentleman. Whether he agrees in that remark, or did not agree, it is not for me to determine. I think that the observation of the noble Lord deserves the most serious consideration. The right hon. Baronet is about to tamper with the law which regulates the price of provisions. It has been well said by Edmund Burke, in his excellent thoughts on scarcity, "that to tamper with the laws regulating the price of provisions, is at all times dangerous," but when you do tamper with these laws—when you do more—when you do yield to public opinion, you ought, at least, to see that you are acting satisfactorily to some great party. You are about to take the first step, and that an important step, in the course of innovation. You are about to take a step which does not satisfy all parties, even on your own side. The Duke of Buckingham, at least, feels a strong objection to it. When that change is proposed, he, who was not in the Cabinet of 1839, ceased to be in the Cabinet of 1842. Might he venture to say "*Honi soit qui mal y pense?*" When you are about to make a change which is thought material by your own supporters it is a matter of much regret and of some surprise, that you do not do at once that which you or some one else must do at last. You still adhere to the vicious principle of the present system, of which perpetual uncertainty is the conspicuous essence. You still adhere to the sliding-scale. You adhere to the principle that affords incentives, and that affords opportunities for fraudulent combinations. You still adhere to the principle which substitutes the spirit of rash adventure for the spirit of legitimate commercial speculation. You apply the principle of a sliding-scale to corn alone—you apply it to no other article of human food. Colonial coffee and colonial sugar are protected by fixed duties. It is said that the sugar duties are about to undergo a change. It is rumoured that the apprehensions which were so lately entertained as to the indirect sanction you would give to the slave-trade begins to subside. Do you mean to apply the principle of the sliding-scale to coffee and to sugar? If you did so, if you passed a law declaring that the duty upon Brazilian sugar and upon Havannah sugar shall depend upon the average price of East India and of West India sugar. I will ask the right hon. Gentleman the Vice-President of the Board of Trade, whose peculiar care this would be, whether such a law would not inflict a great practical injury on the growers of coffee and the growers of sugar in the Brazils? I do not feel surprised that the agriculturists of this country do not adopt the opinions—the extreme opinions as they are considered by many—of Mr. Adam Smith and Mr. Huskisson in his latter days, that the very measures intended for the protection of the agricultural interests are in fact deleterious to them; but it does appear to me strange that the advice of so decided a friend of protection as Mr. M'Culloch should not have more weight with the agriculturists. Mr. M'Culloch says that a fluctuating scale of duty adds an artificial variation to the inevitable natural variations of the seasons, and inflicts as much injury upon the farmers as upon the traders. Is this a sound principle? Let us examine how the sliding-scale works now, to see how it will work under the proposed changes. The sliding-scale in one single year, in the year 1835, shifted thirty-five times—it underwent thirty-five different changes. On the 19th July, in 1838, the duty was 20*s.* 8*d.*; on the 13th September, the duty was 1*s.*; in the week ending October 11, it was again 20*s.* 8*d.*; and, before the end of December, it again descended to 1*s.* In the year 1840, the lowest duty was 2*s.* 8*d.*; it remained so for one week, and in five weeks afterwards it was 20*s.* 8*d.* In the year 1840, on the 17th September, it was only 1*s.*; in the next week, it was 2*s.* 8*d.*; it rose to 16*s.* 8*d.*, the next week; to 20*s.* 8*d.*; and on the 14th October it reached 22*s.* 8*d.* It appears to me that this system, or anything like this system, must produce injury to the agriculturists, and that the farmers suffer equally with other classes, from that which they believe to be their safeguard. But, says the right hon. Baronet, "the new plan which I propose, and the machinery which I introduce, will obviate many of the objections of the present law. I introduce rests, which will baffle the fraudulent working of the averages." It is true that you lower the duty, but you leave a duty ranging between 20*s.* and 1*s.* You, therefore, leave ample opportunity for working the averages—you leave every chance for having a glut of corn at a time when it can be contemplated this long duty will arrive. It has been urged, and I admit the force of the objection, that in times of scarcity it will be very difficult to maintain a fixed duty. I will meet that objection, and I will answer it by a reference to Mr. M'Culloch. He says that if the ports are constantly open, if there is a regular trade in corn at a fixed duty, the supply would be perpetual; and that if there be a fixed duty we shall take away the chance of a great scarcity. I admit the force of the objection, but where there is a choice of evils—where we have to make our election between difficulties, I would confide in a fixed duty to be brought under the consideration of Parliament, rather than surrender the averages to the jobbers of Mark-lane. Whatever may be the opinions as to a fixed duty or the effect upon the commercial and manufacturing interests of this country, there is no doubt during the last four years millions of quarters of corn have been imported, and yet we have no trade. Trade is barter. Trade is the exchange of one commodity for another. When our demand for corn is desultory, the demand for our manufactures cannot be permanent. If there were a free-trade in corn, foreign countries would not pass laws intended to exclude our manufactures; they would not do as they now did, they would not pass retaliatory tariffs to protect their own domestic manufactures. It is not the agriculturist of this country, it is not the independent yeoman, it is not the farmer who expends his capital upon his land, it is not the man who dreads competition from foreign markets, but it is those in possession of the secrets of our mechanism

—it is those who emulate us in industry and begin to rival us in skill, that your Corn-laws afford protection. It will hardly be contended, that the countries from which during the last four years we have drawn our supplies of corn, have taken the manufactures of this country in return in anything like a commensurate quantity. It appears, from a return laid upon the Table of the House, that the number of English vessels which entered the Baltic in ballast in the year 1839 was 1,100—not laden with your manufactures, but wholly in ballast. Look at the returns also before the House of the number of vessels which entered the port of Dantzic in the year 1838, distinguishing those which were laden and those in ballast. In 1838 there were 413 English vessels entering the port of Dantzic in ballast; and in the same year 417 vessels left the port of Dantzic laden with corn. This proves undeniably that when you now take corn from foreign countries your own manufactures are not taken in return. What effect has this system upon your currency—upon that metallic currency which the right hon. Gentleman had established, and over which he ought to watch with peculiar care? It seems to me to be impossible to establish a metallic currency, and to continue a system of laws such as those which exist. Corn must be paid for in bullion—the exchange is against us—the circulation is checked, and the inevitable result is a panic. I beg to call the attention of the House to the language of Mr. Huskisson in 1821, with reference to this view of the subject. In the famous report of 1821, the words which I shall read were applied by him to the existing system of Corn-laws—that of 1815. The words of Mr. Huskisson are as applicable to the existing system of the right hon. Baronet as if they were yesterday specifically composed to meet it. These are the words of Mr. Huskisson:—

> "The inconvenient operation of the present Corn-laws, which appears to be less the consequence of the foreign corn brought into the country on the average of years than the manner in which the grain is introduced, is not confined to great fluctuation in price, and consequent embarrassment both to the grower and consumer, for the occasional prohibition has also a direct tendency to contract the extent of our commercial dealings with other states, and to excite in the rulers of those states a spirit of permanent exclusion against the manufactures of this country. In this conflict, the exclusion is injurious to both. The two parties, however, are not upon an equal footing. On our part, the prohibition must yield to the wants of the people; on the other side, there is no such overruling necessity, and inasmuch as the reciprocity of demand is the foundation of all means of payment, a large and sudden influx of corn might, under these circumstances, create a temporary derangement in the course of exchange, the effect of which, after the resumption of cash payments, might lead to a drain of specie from the Bank, the contraction of the circulation, a panic among the public banks, and a public dearth, as experienced in former years of scarcity."

That was written by Mr. Huskisson in 1821, two years after the bill was passed which is rendered memorable by the association with it of the name of the right hon. Baronet at the head of her Majesty's Government. I am not one of those who are disposed to quarrel with the measure of the right hon. Baronet. I think that it evidenced the possession of great moral courage in the right hon. Baronet to effect and carry out such a measure. But it is said, do not make such a change in the relation of the agriculturist of this country as the alteration of the Corn-law would effect; do not rush upon a step which will occasion such a revolution in the position of the property of the agricultural interests of England. But, by the measure of 1819, the right hon. Baronet changed every contract in the kingdom—he altered the relation of landlord and tenant, the relation of debtor and creditor, and of every class in the country; he instituted a new order of things, to the results of which, the celebrated and learned author of "Corn and Currency" has so well alluded. But the right hon. Baronet was not then a Minister of the Crown; his solicitude for the interests of his country were unbiassed by any anxiety for the maintenance of his party. I wish he could now act with the same moral intrepidity, and heedless of all intimations given to him in another place, and would make the amendment which the country demands, in a spirit worthy of an Englishman, and would afford relief to the operatives of the country more effectual than any to be found in an acknowledgment, however eloquent, of their wretchedness, or in any unprofitable commiseration. It is said that the Corn-laws are not connected with the distress of the country—the existence of any distress is denied. The existence of it has been proved, and now I come to this part of the case. For my own part, when

I find the Corn-laws affect the trade of this country—when I find the Corn-laws affect the manufactures of this country—the employment of the people—I find in them an adequate cause of that public distress which exists, and an adequate cause of that legitimate effect is, I think, fairly ascertained. If something effectual is not done in Parliament—in a Parliament in which the landed interests are said to have such an influence—I am afraid that the people of this country will be disposed to turn with resentful importunity from the mere expression of our sympathy, and will adopt a more stringent mode of proceeding; and as they have been led to believe that the Poor-law was not enacted from any profound solicitude for the poor, so they will think that the Corn-laws are retained from an exclusive regard to the feelings and interests of the rich. And I must say, that it would be hard indeed for this House to turn from the supplications for relief; it would be hard, if, while we, by our legislation affect the employment of the people, and induce the operatives of this country to ask for an asylum in those domiciles of woe which are provided for them, we refuse to afford them the means of supporting themselves in a manner becoming their ancient character and position. If charity is to be withheld, let not work, at all events, be refused. The people of England do not ask for charity, they do not go on their knees to ask any eleemosynary contributions—they ask for bread to produce work—for work to produce bread—they ask not for cheap bread indeed, but for more—they ask for the means of earning bread, whether it be cheap or costly. They call on us to strike off those fetters which cramp the industry of the country, and in doing so they wish us to consult, not merely their interest, but our own. I entirely agree in the sentiments which I have heard expressed by an hon. and learned Member to-night, that the agricultural and commercial interests of the country are not distinct. So far from their being distinct—so far from their being at variance, and conflicting with each other, they are the same. Trade depends upon agriculture, agriculture depends upon trade. I am sure my hon. Friend the Member for Stockport, when he looks upon the splendid picture which the rural scenery of England presents, would draw from its contemplation one of the highest pleasures. I am sure the right hon. Gentleman the Member for Kent, a native English gentleman, must see in the very smoke with which our cities are enveloped from their furnaces, intimations of the means by which the agricultural interest is advanced, and the greatness of the country is achieved. No, Sir, the commercial and agricultural interests of England are not distinct. But if they were—if it was necessary to make a distinction between them—if in giving sustainment to both it is necessary to make a sacrifice of either, I should be disposed to say that the maintenance of the commerce of England ought, in the mind of every Englishman deserving the name, to be the object of paramount consideration. It is not, after all, by agriculture that this country is so distinguished; for what is this but a speck upon the scene? It is not to agriculture —it is not to the extent or fertility of our soil—it is not to any rare skill in calling forth the products of the earth;—no; it is the spirit of commercial enterprise by which Englishmen are distinguished from any other nation on the face of the earth. It is the indomitable perseverance in the glorious pursuit of our boundless traffic, by which every difficulty has been overcome, and every obstacle surmounted. It is to the unwearied energies of the country, to its amazing industry, to its untiring zeal, to the marvellous skill with which it has filled the earth with the products of its labour—it is this commerce, which has extended its influence to the boundaries of the earth—it is to these glorious causes that England is indebted for its prominence among the nations of the earth. Against our trade it was that our mighty adversary directed his principal attempts. He, however failed. Let us have a care lest we effect by our policy what Napoleon was unable to accomplish; let us have a care lest by an obstinate adherence to a system, which so many enlightened men—men not more enlightened than impartial have condemned as the source of so much mischief—which has already produced so much calamity, and threatens us with, perhaps, still greater injury—which contracts our commerce, which exposes our monetary system to perpetual disturbance, which reduces our operatives to a state of the most unhappy destitution—let us, too, have a care lest by a pernicious adherence to that fatal system we do not entail evils upon our country for which your talents, if you were the brightest—your wisdom, if you were the wisest and your virtues, if you were the most high-minded Minister to whom the existence of this country was ever entrusted, would be unable to find a cure.

Mr. *Gladstone:* Sir, I think that amongst the first words which fell from the lips of the right hon. Gentleman, I heard the expression of his astonishment that, at the present period, and after the experience which we have now enjoyed, her Majesty's Government should still be disposed in attempting the settlement of the question of the Corn-laws to adhere to the principle of a graduated scale. I do not mean to say that there are not Gentlemen in this House who might have uttered such a sentiment without raising in my mind any feeling of surprise; but most certainly I did entertain a feeling of surprise when I heard such sentiments uttered by the right hon. Gentleman. It is possible that my mind may have been labouring under some hallucination—it is possible there may be errors in the records of the proceedings of this House; but I think there have been occasions, and occasions not very remote, upon which the question of a Corn-law founded not only upon a graduated scale, but upon the old graduated scale, has been brought forward, and, marvellous as the fact may seem, the right hon. Gentleman has supported it. The right hon. Gentleman has selected the year 1838, and he says that in that year the graduated scale produced no less than thirty-five changes of duty. There was a motion for its removal in 1838. The right hon. Gentleman resisted that motion. But early in 1838 he did not know of these thirty-five changes which took place in the course of the year. The effect which that change produced in his mind could not be expected to be fairly perceived until the year 1839. The year 1839 afforded him another opportunity. In that year a motion of a most qualified description was brought forward for the correction of the monstrous evil against which the right hon. Gentleman has to-night exerted all the powers of his eloquence and declamation. In 1839 the hon. Member for Wolverhampton moved, that certain persons should be heard by counsel at the bar in support of a petition, complaining of the operation of the Corn-laws; and even to that most moderate request—even to that simple demand for the consideration of the question, the right hon. Gentleman was prepared to give and did give his absolute negative. Do not suppose that I complain of him for having changed his opinions—do not suppose that upon almost any question of politics—certainly least of all upon a difficult question relating to matters of trade and commerce and the rules of political economy—that I presume to question the motives or impeach the judgment of the right hon. Gentleman on account of the alteration which has taken place in his opinions. But when I consider that within the last two years he was himself found among the staunch defenders of these very laws in their most offensive form—that within these two years he was not willing to admit even of compromise or inquiry—I think the surprise he has expressed may well be expected to excite upon this side of the House, at least a corresponding sentiment. Now let us look to the argument, if I may so call it, of the right hon. Gentleman. The right hon. Gentleman quotes the words of Mr. Huskisson in 1821. Is it quite fair in the right hon. Gentleman, of all men alive to quote the words of Mr. Huskisson in 1821? The right hon. Gentleman has quoted the words of Mr. Huskisson in that year against both the words and acts of Mr. Huskisson in every subsequent year of his life. He says these words were good against the scheme established by the present law. He knows that Mr. Huskisson supported the present law—he knows that he was in great part the author of a system in 1827 perhaps a few degrees less strong than the present law, but analogous to it. The right hon. Gentleman really quotes Mr. Huskisson in 1821 against Mr. Huskisson in 1828. The right hon. Gentleman ought to recollect that, perhaps in after times, some future Members of Parliament, engaged in a Corn-law debate, may treat him in a similar manner; and if they be fortunate enough to find any speech delivered by the right hon. Gentleman, when a staunch defender of the present stringent Corn-law, thus may be found citing the authority of the right hon. Gentleman in favour of high protecting duties, notwithstanding the speech just delivered by him. The right hon. Gentleman has retrodden those paths which in the very long debates which have taken place, were so well beaten by many hon. Members of this House, and as I particularly have had occasion to trespass on the indulgence of the House, and go into many details, I feel some scruple in following the right hon.

Gentleman at any length through all the topics to which he has adverted. But the right hon. Gentleman was remarkably eloquent upon the subject of the relations of commerce and agriculture, and I regretted to hear his remarks. He said in the first instance there was an identity of interest between them, but he afterwards went into some supposititious cases of rivalry and opposition of interests, and I was far from sorry to hear all that he thought proper to say respecting the manufacturing skill and industry of England, but I was dissatisfied to hear him rate rather low our agricultural skill and industry. He said it was not her superior skill in extracting the products of the earth that had given this country her prominent position among nations. I, on the contrary, certainly feel well convinced, and am prepared to maintain, that the very same skill and energy which have been so eminently conspicuous in the commercial and manufacturing greatness of England have likewise given to British agriculture a power and efficiency which exceeds that of almost every other nation; and, feeling as I do, amidst these discussions, that nothing is more desirable than to check any disposition which may be found amongst certain classes to speak disparagingly of others. I lament, that the right hon. Gentleman, when speaking of the great ability and energy displayed in the pursuit of British commerce, should have attempted to diminish that confidence which I trust the agriculturists of the country will continue to feel from year to year, from their experience, both in the power of their soil, and the efficacy of the means which they apply to its cultivation, as compared with those of foreign countries. The right hon. Gentleman then adverted to a topic which is familiar, and even trite to all those who have attended to these debates, and complained of the operation of the Corn-laws, founded on the principle of a graduated scale, in diminishing and hampering our trade in foreign corn. I may repeat the observations which I ventured to make upon a former occasion. We are now at the end of a period of four bad harvests. The right hon. Gentleman says, if we had had a fixed duty upon corn, it would have led to a fixed import; that a fixed import would cause a fixed trade; and that a fixed trade would increase the demand for our manufactures abroad. I pass over the fact that he begs the question, which is certainly a very important question, that an importation of corn from any given country will be followed by an increased demand for our manufactures. In the course of a very long period of time it is probable such would be the case. [*"Hear."*] Yes; in a very long period of time. But look at the cases of the countries which are furnishing us at this moment with two or three times the value in raw materials of the manufactures which we send to them. Why is it, that they do not take more of our manufactures? If Russia does not take our manufactures for tallow and hemp, why should other countries be obliged, or in all cases be inclined to take our manufactures for corn? But, granting the case of the right hon. Gentleman, I do not wish to encourage a fixed trade in corn altogether independent as to its amount of our wants. I wish the trade in corn to be extended as far as is consistent with other and still more important interests. But, presuming a trade is established, still he cannot deny, that the extent of that fixed trade must necessarily be limited by our average demand. Suppose in common years we wanted a supply of 2,000,000 of quarters, I will grant, for argument's sake, that with a fixed duty we might obtain that quantity, and might expect to pay for it in manufactured goods. But what are the present circumstances? Four bad harvests have produced 10,000,000 quarters less than the average produce. How is that deficiency to be supplied by a fixed trade? A fixed trade would bring the quantity you usually require. A fixed trade might enable you to pay for the quantity you usually required in British manufactures. But here is a sudden demand to meet the deficiency of 10,000,000 quarters on the last four years. You must exhaust the foreign granaries—you must offer higher prices—you must pay in bullion. The very same arguments which have been adduced to exhibit the evils which have occurred during the last four years, will prove, that under any new system of a fixed duty, in case of a succession of four bad harvests, substantially the same circumstances must arise. The hon. Gentleman, the Member for Liskeard, alluded to a rather different kind of argument—to the fact, that the Corn-laws diminish the demand for labour. It is with great satisfaction, that I perceive a disposition on the other side of the House to give up particular forms of argument against the Corn-laws. It is quite natural, that in the discussion of complicated interests, a number of fallacies should become current on both sides, and it is desirable they should be exploded. One of the fallacies which was employed in the warfare on the hustings was the cry of cheap bread. Now, it is generally admitted in this House, that the cry of cheap bread considered in itself, means nothing that is necessarily beneficial to the labouring classes. We ought not to look to the mere wages of the labourer, but to his relative means—to his command of the power of enjoyment. The absolute price which he may be called on to pay for bread is in itself comparatively unimportant. With equal wages it is of immense importance; but the question is, what effect a change of this description would have upon wages? I rejoice, that the hon. Gentleman, instead of referring to the more exoteric doctrine of cheap bread, chose to argue the question on the demand for employment, and the hon. Gentleman endeavoured to shew, that the abolition of the Corn-laws, which would put land out of cultivation, would add to employment. I cannot help alluding to another cheering symptom which has manifested itself during these debates—that less has been said than in former years of the power of our foreign competitors to undersell British manufactures. Whatever may be the distress among our manufacturers at this moment, so far from foreign competition having produced it, on the contrary, foreign manufacture, has, I believe, suffered far more from British competition, than British manufacturers have suffered in neutral markets from foreign manufacturers. It has already been shown, by my right hon. Friend, at the head of the Government, that our exports, more especially of cotton yarn and goods, have greatly increased; and, that at the same time, the consumption in the home market, has also, upon an average of years, increased, so that it appears wrong to entertain such apprehensions as have been avowed; and from patriotic, and not from party motives I rejoice, that less from foreign competition is to be dreaded, than had been surmised. I admit, that the competition of foreign rivals is formidable in some branches — nor will I attempt to weaken any argument that has been used to show that British manufactures are entitled to some protection against some of those disadvantages; but I affirm that British manufacturers, taken as a whole, are able to beat their opponents in almost every market of the world. But the hon. Gentleman said, the effect of the Corn-laws is to limit the demand for labour. He spoke of the great hardships of the present state of things, and alluded to the report of Mr. Horner, who stated that in one place 32,000 persons were only partially employed, and 17,000 without employment, making 52,000 persons out of work. Undoubtedly this is a lamentable state of things, but the real question for the House to consider was, would a repeal of the Corn-laws remedy it? Now, setting aside all questions of cheap bread and foreign competition, and looking to the subject as regards the employment of the labouring classes, I will ask, does any Gentleman really believe that a sudden repeal of the Corn-laws would diminish the number of unemployed labourers? I do not say of the number of labourers unemployed in manufactures, but those of all classes. Is it possible that any man can suppose, whatever may be his opinion of the ultimate effect of the repeal of the Corn-laws on land—is it possible any man can doubt that a repeal of the Corn-laws would at once displace a vast mass of agricultural labour? This has been, to a great extent, treated as a landlord's question, but I will contend that, for the present generation, at least, it is more of a labourers' question. What is rent, which is said to be augmented by these laws? Now the most approved authorities in political economy have defined rent as the surplus produce the land yields after the cost of cultivation and the maintenance of the cultivator. This being so, and considering the many classes of land in cultivation, it is further taught by these writers, that the lowest class yields no rent, or at least that the returns are exceedingly small, and may be put out of account. If you raise the price of agricultural produce in any country, you would bring a much wider extent of land into cultivation, and therefore the poorer soils would be tilled; and if the poorer soils in our country be cultivated through the rise of the price of agricultural produce, it follows that if you diminish prices, so as to limit production, that the effect must be to throw the poorer soils out of cultivation. This might diminish rents, but in the present extent of cultivation, it is clear that if you reduce rents, it must be by throwing certain lands out of cultivation, and you must, therefore, at the same time, throw out of employment a great body of labourers. It is also said, that if the Corn-laws were repealed, the agriculturists, instead of raising wheat to the present extent, would turn their fields into pasture. That is another view of the question. It may even be held, that by doing this, the landlords would maintain their rents undiminished; but is it not at least clear that the transfer from tillage to pasture would throw a vast number of labourers out of work?—It is evident, then, that throughout the country the support and the employment of agricultural labourers would be more endangered by a repeal of the Corn-laws than the rents of the landlords. I hope, now, that the practical result of those considerations will be to induce the House to approach this question in the calm temper recommended to them by a preceding speaker. Of all things I deprecate any violent legislation on this subject, because the effect would be to disturb the enormous mass of capital embarked in agricultural pursuits, to spread a panic amongst the cultivators of the soil, and to diffuse, perhaps in consequence of merely groundless apprehensions and fears, much real misery through the community. The hon. and learned Member for Liskeard said, that one object was to attempt to preserve that certainty of price to the farmer which we did not give to other interests, by excluding foreign competition in certain states of the corn market. But the hon. and learned Gentleman should recollect that we attempt this because a security is already given to other interests which cannot be given to the farmer—that is, that while other interests have a legal protection afforded them, independent altogether of any reference to the quantity of the produce, and consequently to the price, no power can, in the opinion of nine-tenths of the Gentlemen present, give such a security to the farmer; and, therefore, the State may try and compensate the farmer for its incapacity to maintain any protecting duty when prices are high, by giving him a protection greater than that given to other interests, when prices are moderate or low. Nothing can be more fair, surely, in principle, setting apart for the moment, the policy of such a course, than that this inability on the part of the State, in one condition of the market, should be counterbalanced by a somewhat greater favour in another. The hon. and learned Gentleman also said, that in the markets of the country, under the old law, the consumer derived no benefit from the 1*s.* duty when the price was 73*s.*; that the foreign holder derived all the profit, that the same amount, about 2,000,000 of quarters, would have come in under an 8*s.* duty, as actually did come in under the present law, and that too at prices not above 64*s.* Now, in the first place, we ought to guard against the fallacious assumption, that the effects of the old and the proposed law would be the same. Admitting the defective working of the old law, I believe that the new law, as shown in the course of these debates, and as declared by eminent mercantile authorities, including men of all parties, will have the effect of permanently removing, or at least of materially diminishing the inconvenient effects of the present system. But the hon. and learned Gentleman was too severe on the dead, to which class the law of 1828 might now be considered to belong, while, on the other hand, he claimed too much credit for a fixed duty. The hon. Gentleman said that at the price of 56*s.*. that is to say, 64*s.*, with 8*s.* duty deducted, the foreign holder of corn would be as much induced to bring corn to England as at 72*s.*, that is to say, 73*s.*, with 1*s.* duty deducted. But is it natural that the foreigners would go to such a distance, pay as much for transport, and pay as much to the original cultivator when the price he can obtain in England is only 56*s.* as when it is 72*s.*? Such a statement requires no refutation. But the new law is likely to give a sufficient encouragement to the foreign holder, and relief to the consumer at home. The hon. Gentleman, in calculating the loss which, as he supposed, was sustained by the consumer through the operation of the existing law during the past autumn, charged the rise of price, which he conceives was effected by practising upon the averages, on four times the number of quarters of corn which were returned to the inspectors. But, although on the whole year, the returns made to the inspectors may not represent above one-fourth of the consumption, yet, at the period of speculation, it was far otherwise. Both the quantities returned underwent a great increase, and the prices were also considerably above the general level, and many of the sales moreover were not *bonâ fide* but nominal. So that it would be a very great exaggeration indeed to treat the whole enhancement of price thus estimated as a loss sustained by the body of consumers upon the whole quantity of wheat required for their subsistence. I heard with great pleasure the able and temperate speech of the noble Viscount, the Member for Sunderland. But now that the House has determined by an overwhelming majority against a total repeal of the Corn-laws, and against a fixed duty, what is it that we are discussing? The hon. Gentleman, who last spoke, called the new law the precursor of ultimate change, and quoted Burke, to show that a Government ought not to tamper with provision-laws. But a Government does not tamper with a subject when it brings forward a measure, admitted to be practicable, a measure which can and which will be carried, and which is not a speculation, or a mere political manœuvre. I do not mean to say that the measure of last year, though introduced under suspicious circumstances, was not a sincere and conscientious measure; but the word tamper was a two-edged weapon, and it bears sharply certainly on the propositions made last year by the Gentlemen now in opposition. I affirm that the present Government does not tamper with the Corn-laws in bringing forward a measure which is allowed to be a relief and which is allowed to be practicable. Even the noble Viscount, the Member for Sunderland, in his candid speech, while stating that he did not believe the Corn-laws to be the sole cause, or the principal cause but to be a cause of the present distress, said the proposed alteration would be a very substantial benefit, for it would mitigate the restrictions, and diminish the evils now felt—and he added, that though he had no objection to vote with his hon. Friend, the Member for Wallingford, because he believed the opposition would be ineffectual, yet if he believed the result of the junction would be to reject the bill, nothing on earth would induce him to give his vote against it. This was the declaration of one of the most able advocates of a fixed duty. Those are the true tamperers with the Corn and provision-laws who bring forward a measure which they know they cannot carry. I do not question their intentions; but if they knew so little of political affairs, or of their position, as to deal with a question involving the most vital interests of society, agitating the country from end to end without a chance or a hope of settling it, those who attempted to deal with such a question demanding the utmost strength of a Government long after they had lost all strength whatever, and when they could have no rational hope of bringing their efforts to a conclusion, the Government which so acted tampered in truth, and tampered most unwarrantably, with the Corn-laws. With regard to the graduated scale, I should be ready to show, if it were necessary at this stage of the discussion, that it is possible to conceive a graduated scale which might operate without inconvenience to trade, and be in every way beneficial both to the consumer and producer. But I will content myself after all the argument that has already passed on this matter with reminding the right hon. Gentleman, and those who think with him, that though there is no such thing as ideal perfection on this subject, yet there is great parliamentary authority in behalf of a graduated scale, and if the agriculturists have been in a delusion with regard to it, I will ask the right hon. Gentleman to view them with something of compassion and sympathy, when he recollects that till lately he has been a partaker in their delusion. Surely it is a matter worthy their consideration that the landed interest possess a large share in the representation of the country, and even if in error must have their errors lightly dealt with. The hon. and learned Member for Liskeard bestowed much compassion on my right hon. Friend on account of the uneasiness which it is supposed he must undergo from the state of feeling among the agriculturists. Why, if ever there was a time in which the agriculturists have done themselves honour by the feelings they have generally exhibited, by the good sense and practical prudence they have generally, or with but rare exceptions displayed in the way they have regarded this matter, the present is that time. [*"Hear."*] I am sincere in that declaration; I think it is difficult to look at the details of the present law, and not see that the agriculturists of England are making a considerable sacrifice. I do not say that they are sacrificing too much—I am far from contending that they are sacrificing more than the commercial and the general interests of the country have a right to demand; but at a time when parties have been sharpened by political excitement, have been pitted together in the field of a general election, have been heated by every stimulant which those who ought to have known better could apply—when we considered the exaggerated views that, from these circumstances, parties have been led to entertain, I will say that it is honourable to the agriculturists of England that they have accepted the present proposition, have supported it, and are prepared to carry it through as an amendment of the existing law. Let those who think that a maximum duty of 20*s.* is a prohibitive duty, put themselves in the position of those who think their interests are bound up with the Corn-laws. I do not say that it is so, but let them assume that the agriculturists think it is so. Is it no material change, instead of a duty gradually rising with the price, to produce the present scale instead of the protection that the law had given them for the last 140 years? [An hon. *Member:* The protection has not existed so long.] If the hon. Gentleman would examine the documents that have been published on the subject, he will find that Corn-laws have existed with a maximum duty of 20*s.* and upwards for the last 140 years, from the beginning of the last century; and now that the maximum duty imposed on wheat is 20*s.* a quarter, it is a fair subject of praise to the agriculturists that they have surrendered nearly half of their protection. I do not believe that the agriculturists have surrendered too much. I believe that they can afford to part with a portion of their protection, but I will say that it is laudable and honourable in them, standing in their position, both in the country and in Parliament, to have made that sacrifice to the other classes of their countrymen. But, after all, the question is as to this supposed tampering with the Corn-laws. It might be, as the hon. and learned Member said, like taking a brick out of a wall, but if that brick was mouldered away, and they took it out and put in a sound one, I am not sure that the hon. and learned Gentleman will not call that an improvement. The noble Viscount said that this was but the precursor of ulterior change; far be it from him to say that in matters of trade and production it is possible for Parliament to exercise such a gift of foresight, as to make provision by anticipation for generations to come. If hon. Gentlemen look back at the course of history, they would find that there had hardly ever been a period of ten, fifteen, or twenty years, without some new law relating to corn. The noble Viscount had also objected to it, that it is not a practical measure; and he came forward with his old scheme of a fixed duty. The noble Viscount spoke of the proposed measure as chimerical,—is not the doctrine of a fixed duty in the present state of men's minds a chimerical proposition? If anything could be called chimerical, it is the duty of 4*s.* or 5*s.* a-quarter supported this year by the noble Viscount. The noble Viscount alleged, also, that this was an unsettling measure, and not a final one. All finality is comparative, but what is the finality of the noble Viscount, the Member for Sunderland? Last year it was 8*s.*, but this year it is 5*s.*, and before two years were passed, I am afraid the duty would vanish altogether. But suppose, if I may make such a supposition, that Parliament should adopt the principle of a fixed duty; let them suppose, if their imaginations were elastic and bold enough, that by some incomprehensible means a law should pass in the present Session, similar to the measure proposed by the late Government, what would be the consequence? Who would be pledged to maintain it? What body would support it? What would be the general conviction of the country with regard to it? Is it not clear as the sun at noon-day, that on the Corn-laws, the country is divided into two parties, one objecting to all protection, the other attached to the principle of a graduated scale? Who, then, are the few solitary champions of a fixed duty by which I mean a duty over and above a mere nominal rate, a duty of 6*s.* or 8*s.*; Is it not common in this House to hear hon. Gentlemen declare, as the hon. and gallant Member for Marylebone had declared, that they liked a fixed duty, as it was the shortest way to arrive at no duty at all? If we could divide the House in the same way as they sometimes took the votes in another Chamber over the water—if we could take a poll of the House on the questions of no duty at all, of a graduated scale, and of a fixed duty, can it be believed, that one-sixth of the House would vote for a fixed duty? And how do the few champions of a fixed duty stand among themselves? What is their consistency on this vital point? He saw three of them opposite; the first, the noble Lord, the Member for London, was for a fixed duty, descending suddenly to 1*s.* at a famine price; near him sat the hon. and learned Member for Liskeard who said, that the descent to a minimum duty was the very sting of a sliding scale; then the noble Viscount, the Member for Tiverton, another neighbour of theirs held the doctrine, that a protection duty could not be justified at all, but that if a duty were levied on corn, it ought to be a duty for revenue. Now, a more extraordinary proposition than this never reached my ears, nor one of which the noble Viscount who proposed it, ought to be more inclined to repent. When they laid a duty on a foreign article, which came into competition with a corresponding British article, would it do to call it a revenue duty? The noble Viscount held the doctrine of a revenue duty in words, and contradicted it in fact; but I do not believe, that any genuine free-trader would be content with the noble Viscount's abandonment of the word, and his retention of the thing, signified by that word. Here, then, were three champions of a fixed duty and all of them utterly at issue with each other, as to the amount of it, and as to the principles on which it should be levied. I have troubled the House much longer than I intended, and I will now come to a conclusion. The plan proposed is a measure, that practical men may adopt, and have adopted; its details have not, perhaps, the unanimous, but they have the general concurrence of the agricultural and commercial bodies. It is a measure of considerable relief, it has been declared even by its opponents, to be a material improvement of the present law. It is a measure against which not the least able and perhaps the most tenacious of those who are about to vote against it, has said he would not take any step in opposition, if he did not know, that that opposition would be unavailing. Can anything justify more completely the position in which her Majesty's Government stood, as supporters of a measure which as they believe will be acceptable to the country at large, and will be considered to be a boon by all the great and varied interests affected by its operation.

Lord *J. Russell* said, the right hon. Gentleman who had just sat down, with all the ability which he had devoted to the subject, had, no doubt, felt the extreme difficulty of defending the bill before the House. Had he not felt that difficulty, he would scarcely have resorted to that mixture of political imputation and accusation of various kinds against the late Government, which was totally unnecessary for any other purpose than to disguise the weakness of his defence of the present measure. The right hon. Gentleman knew full well that that fixed duty which he said had so few supporters was in the opinion of one noble Viscount who would vote for the present measure—he meant the noble Viscount who represented the commercial community of Liverpool—that which was commercially the best principle to be adopted in legislation; the right hon. Gentleman knew quite well that the principle of a fixed duty was that of which commercial men generally, irrespective of party distinctions, approved. Feeling fully the pressure of that conviction upon him, it was, therefore, that the right hon. Gentleman had been obliged to resort to political imputations, and disguise the weakness of his attack on the principle of a fixed duty. The right hon. Gentleman knew also that with respect to this measure it had been said, that it was not expected to afford any material relief to the existing distress. He knew that the measure now before the House made really no variation as regarded the principle of a protecting duty; he knew, too, that commercially speaking another principle was the good one, and yet, knowing all these things, he had spoken on the question without offering one argument in favour of the present plan, or of discussing the objections against it. The right hon. Gentleman said, he should like to adopt the test that was resorted to in some foreign chamber—that he should like to ascertain how many there were for a graduated scale, how many for a fixed duty, and how many for a total repeal. Why, if the question could really be fairly discussed, irrespective of other considerations, how many Members on the opposite side did the right hon. Gentleman suppose would declare for the graduated scale of the present law? His noble Friend who sat near him (Viscount Howick), who had spoken most ably on the question that night, had said, what would force itself upon every reasonable mind, though not perhaps to the extent to which the noble Viscount had gone, that if by any coalition of different parties in that House the present bill could be defeated, he would not concur in that vote; but that was a very different thing from a natural conjunction to throw out the bill. His noble Friend felt, that if those who were for a fixed duty, as he was, could get a majority to consent to throw out this bill, that then he would see a better introduced. The right hon. Gentleman had brought various charges against the late Government, charges of political manœuvres, and of their having brought forward their measure of last year when they had no expectation of carrying it. He would tell the right hon. Gentleman, that his opinion then was, that if they (the late Government) brought forward propositions founded upon sound principles of free-trade, they would be able to carry immediately a great part of those measures, and that if they could not succeed in immediately carrying a Corn Bill, yet that public opinion would grow so favourably towards a change as that they would ultimately be able to carry a sound measure on that subject. In his dearth of arguments, the right hon. Gentleman might make unworthy imputations, but he thus declared what had been his expectations in bringing forward a proposition for a change in the Corn-laws. He had felt on that occasion, and so also had all the Members of the then Government—that in proposing measures founded upon the principles of free-trade they could not deal with the questions of sugar and timber, and leave the great question of the Corn-laws untouched. They felt that it would not have been just to the country to have dealt with those great questions, and to have postponed the Corn Bill. But how were they met on that occasion? Gentleman who had sat and voted with them on general principles, Mr. Handley for instance, declared that being favourable to the Corn-law as it stood, and wishing to maintain it, they would vote against the Government on the sugar and timber propositions, or on any other question that would go to effect the existing Corn-laws. Yet those very hon. Members were afterwards taunted with their attachment to the Administration, because they continued generally to act with a Government which had avowed itself favourable to a change in the Corn-laws. This he would venture to say with reference to that portion of the subject, that if the constituencies of Lincolnshire desired to have for their representatives those who were prepared to maintain the present Corn-laws, they would have done better to have returned Mr. Handley as their Member, with the noble Lord who now represented them, who at least avowed themselves supporters of the existing Corn-laws, than to have adopted those who were for a change in the Corn-laws, by voting for the present proposition. So much for that part of the right hon. Gentleman's speech which related to the political character of the measures of the late Government. He repeated, that they brought forward the proposal for a change, because they thought the circumstances of the country required it; Viscount Melbourne having always declared, that the altertion of the Corn-laws was a question of time and circumstances, and the circumstances of last year, in their opinion, then required the change they proposed. But those who were then opposed to the late Government, carefully concealed their intention of altering the Corn-laws—they let it be understood that they were in favour of the existing law, and now, having had the advantage of that opinion, and many of them having been pledged to the maintenance of the existing Corn-laws, they came forward in support of a measure of change. His noble Friend, the Member for Lincolnshire, had already quoted the pledges given by those hon. Members on that subject, and he had heard no denial of the opinions so quoted from any hon. Member who was affected by them. The right hon. Gentleman among other things, had said that the late Government had approached this question after four bad harvests. The right hon. Gentleman had also expressed a wish to do away with all fallacies on that subject. Why, that statement itself was a fallacy. No doubt the harvest in considerable portions of the country might have been considered unfavourable, as compared with others, but while the harvests were insufficient for the maintenance of the people, it was not right to say that the measure of the late Government was introduced after four bad harvests. As population increased, it became necessary to cultivate lands with wheat less favourably situated as to soil and climate, and which required longer time and finer weather for their full production. But that was one of the consequences of the Corn-laws themselves. The right hon. Gentleman said, that this was more a labourer's question than that of the landlords and farmers. He admitted, that with respect to labourers, there had been great exaggeration, in maintaining that, even if the Corn-laws were at once totally repealed, there would be an immense extent of land thrown out of cultivation. There was, however, this to be considered—that the population of the country had rapidly increased during the last twenty years. An enlightened writer had said, that you must either improve the land at present in cultivation, or bring into cultivation 2,400,000 acres more of land, in order to supply the surplus quantity of food required in 1840 over that of 1831. That increase of population might render the admission of foreign corn absolutely necessary, and it therefore by no means followed that any great extent of land would be thrown out of cultivation by a repeal of the Corn-laws. But with a moderate fixed duty no danger whatever need be apprehended. If the fear were a natural fear, then, as a labourer's question, a diminution in the price of corn by the admission of it at a low price would be an advantage to the labourer. As a labourer's question, therefore, a change in the Corn-laws was desirable. The whole of the labourers employed in agriculture were, as regarded food, in precisely the same condition as the artisans of the manufacturing towns. Notwithstanding the opinion expressed by the right hon. Gentleman, as to the effect of foreign competition upon our manufactures, he believed that for a great many years past, whatever might have been the state of the Corn-laws, foreign manufacturers had increased, foreign machinery had improved, and a great extent of capital had been devoted to manufactures in the continental countries in Europe. The consequence of that must be a formidable competition. As stated by Mr. Huskisson in his admirable speech of 1830, the manufacturers of England had no means of meeting that competition but by diminishing the wages of labour and the cost of production; and one of the ways of reducing the cost of production was by the use of machinery which thereby reduced the expense of manual labour. Mr. Huskisson was right in that principle. He said, that if the English manufacturer went to a foreign market and could not command the price he chose, and the price he formerly received, he must reduce it to the level of the foreign manufactured article. It had been always said, that the home market would supply all defects, and that there it was, that the home manufacturer had ever found his best sale. But then by Corn-laws you put such a price upon corn, that the consumers of manufactures were obliged to expend a greater portion of their wages upon food, the consequence of which was, a diminution in the sale of their manufactures. The diminution of 3,000 bales of cotton a week during the last year was a tolerably strong proof of that. In the first place, we had now a foreign competition in manufactures to a greater extent than hitherto; and that competition was increasing year after year; and in the second place, that competition had the effect of diminishing the quantity of food in this country as compared with its population. Now, both those circumstances tended to produce distress. It might naturally be supposed, that such causes would produce such effects. And had those effects been wanting? They know but too well, that they now existed, and that in many districts throughout the country thousands were obliged, by the want of employment, to consume as much food only as with difficulty kept them alive. In such a condition of affairs, it appeared to him, that the remedy, a remedy which would produce a great and immediate effect, would be to make a large change in import duties of all kinds, but especially in those of corn. He therefore did not agree in the view of the right hon. Gentleman, whom he understood to say, that we were now suffering one of those ordinary transitions which took place in the commerce and manufactures of the country—that after a great production there was usually considerable distress—that that distress by the operation of natural causes would pass away; and that in considering the Corn-laws it was only necessary to deal with a part of the subject, to correct their minor defects—to divest them of their excess of protection, instead of looking to a great change in them for the purpose of relieving the distress which prevailed in the country. He differed from the right hon. Gentleman in that view of the question, and he therefore objected to the remedy which the right hon. Gentleman proposed to apply. There was one argument which he had used at the commencement of these discussions which hon. Gentlemen opposite, and the right hon. Baronet in particular, seemed anxious to deal with. It referred to our trade in corn with America. The right hon. Baronet felt it was a great disadvantage, that we should not be able to introduce corn and flour from America as from other countries. There was no doubt that he felt it would be of importance to our commercial relations with that great and thriving country, that we should be able to carry on a trade in corn with it; but he felt likewise, that the sliding-scale was an obstacle to that trade. He felt, and must feel, that if a merchant sent for a cargo of corn, and that on its arrival there was a duty of 8*s.* or 10*s.*, he would be able to import it at a profit; but, that if he had to pay 18*s.* or 20*s.* he must sustain a loss, and that an obstacle was thus thrown in the way of the trade. The right hon. Gentleman attempted to get rid of the difficulty by instancing a voyage of unusual rapidity which took place about two years and a half ago. With some voyages from America you might, no doubt, obtain corn in time for a profitable sale; but he asked whether it would not be better to frame the law in such a way as to prevent that difficulty altogether — a difficulty which was inseparable from the sliding-scale, and which undoubtedly placed America in a worse position as regarded the corn trade with England than any other country. Consider the vast extent of territory, greater than that of all England, which was capable of producing wheat in America, and consider the thousands of your people who might be fed with that corn. And yet they were to witness a Parliament sitting in England, and a Congress sitting in America,—they were to witness these two Legislatures of the most free and enlightened nations in the world, interposing an obstacle by the agency of a sliding-scale to the enjoyment of this blessing. The right hon. Gentleman spoke of the great quantity of corn which the price of 72*s.* would admit, which the price of 56*s.* and a duty of 8*s.* would not. But the real question was, whether the corn could be introduced with profit. If it appeared, that the price of 56*s.*, with a duty of 8*s.*, would yield a profit equal to that which was obtained in other commercial transactions, then would the merchant undertake the voyage. The right hon. Gentleman said, that the price of 72*s.* offered a greater inducement. No doubt it did. It offered the inducement, as stated in a pamphlet by a Conservative writer, of 100 per cent.; but, on the other hand, there might be a loss of 50 per cent. by the venture. The merchant might say, "It is true we may at one time lose, but by the operation of your sliding-scale we may make up for that loss by immense profits." But was that the proper footing upon which the laws of this country should be placed as regarded the importation of corn? The right hon. Gentleman had spoken of the protection to the agriculturists, which he said had existed for 140 years, and of which he declared the bill under consideration to be a very materia modification. Now, the policy of the law; and he should not have referred to this part of the subject, had it not been for the remarks of the right hon. Gentleman —the policy of the law up to 1804, had been very different from what the right hon. Gentleman had represented, or from what was now sought to be enacted. The policy of the law during the greater part of that time was, he conceived, to have three different duties—first, a high or prohibiting duty; then a moderate duty, extending over a long range of prices; and lastly a minimum duty, of a very low amount. In 1670, during the reign of King Charles 2nd, when prices ranged at from 55*s.* to 82*s.* 6*d.*, the duty was 8*s.* 3*d.* In 1699, after the revolution, the duty, at the same prices, or over a range of no less than 27*s.*, was only 8*s.* 7*d.* In 1703, when prices were from 55*s.* to 82*s.* 6*d.*, there was a duty of 8*s.* 8*d.*; and in 1747, the duty when prices ranged at the same amounts, was only increased to 9*s.* 3*d.* There was, therefore, during all that period, when prices were at 55*s.*, at which rate it was now proposed to levy a duty of 18*s.*, there was, during all that time,—namely, from 1670 to 1774, a period of more than 100 years, a duty of only 8*s.* or 9*s.* per quarter. But what was the change that then took place? Was it to give a higher protection to the agriculturists against the foreign importers? Why, shortly after that time, when prices were at 49*s.* 6*d.*, instead of there being a duty of 8*s.*, there was only imposed a nominal duty of 6*d.*; and that condition of things remained until 1791—prices being, as he believed, during all that period, more steady and certain than they were almost ever known. From 1791 to 1804 there was, at the average rate of 55*s.*, a nominal duty of only 6*d.* The law of 1804 imposed a duty of 24*s.* 3*d.*, when the price was 63*s.*; so that, from 1670 to 1804, so far from there being a greater protection, there existed a fixed duty of 8*s.*, instead of which they now proposed to impose a duty of 20*s.*, sliding down by slow degrees to 1*s.*, and which they were bold enough to stand there and declare to be a mitigation of the old law. In 1804, after several years of scarcity, and during a depressed state of the currency of the country, an attempt was made to carry up the duties to a higher price. Another measure was also passed in 1815, but these measures were founded on the circumstances of the time; they bore the same marks of being framed to meet the depreciated condition of our currency. Now, however, that by the Currency Bill of 1819, the measure introduced and successfully carried by the right hon. Baronet at the head of the Government—now that that bill secured to them a metallic currency, based upon payments in gold—now that that bill was in operation, he could see no reason why they should not go back to the liberal principles of their ancestors, and, instead of imposing duties more stringent, should pass a measure akin to that on which they had thought fit to act throughout a long series of years. It would be borne in mind, that at the time the principle of the present law was first assented to, the principle of prohibition was the aim of all statesmen. The same principle was applied to cotton, silks, and other fabrics, and it was not until 1825, when Lord Ripon and Mr. Huskisson, each in their several departments, showed the erroneous and indefensible nature of this principle, that the law with regard to manufactured articles was changed from one of prohibition to one of moderate protection. He believed, that the trades which had in those days the most loudly exclaimed against that change were among the very trades which had derived the greatest benefits from it. Our silk and glove trades had prospered under the change; other manufactures had derived decided advantages from the opening of the trade, and what they now said was, apply the same successful principle to articles of human food; and as you formerly refused, though much pressed by those interests, to be deterred from changing the law by the outcries of the silk and glove manufacturers, so now do not be misled by the equally groundless apprehensions of agriculturists, to whom there is every reason to believe similar benefits will as surely result. But even with respect to agriculturists, there was a case in point. When the prohibitory principle was changed, there were, he remembered, great objections taken on their parts to the proposed admission of foreign wool at a low rate of duty. The Duke of Richmond had moved committee after committee, with the view of restoring the original state of the law, but far from justifying the fears of the agriculturists, the result was an increase in the home production of wool and greater prosperity in that branch of farming occupation. Why then, he asked, when all their theoretical principles recommended it, and when they found by experience, that those principles were true in practice—why, he asked, did they declare that system to be unsound with respect to one article which they found to be perfectly sound with regard to other articles? There was a reason, perhaps, for the rejection of the principle under such circumstances — a reason which was political rather than economical—a reason depending on the state of parties in that House, rather than on the views of the thinking part of the nation—a reason which proceeded rather from a wish on the part of the Government to secure their supporters, than from any sound consideration of commercial policy. The right hon. Baronet himself had told them of the apprehension he felt, that he should be doing too much. It was true, that to a certain extent he had carried his point for a change of the law against the opinion of his agricultural supporters; but by what arguments had they been induced to join him in making this change? Why, the arguments used to obtain their acquiescence to this bill would have been sufficient to induce them to support a much greater alteration. What were those arguments? Did they refer to the distressed state of the country? Why, those who objected to the alteration contended, and the right hon. Baronet himself had expressed an opinion, that this measure would make no material alteration in the condition of our population, because the existing Corn-law was not the cause of the existing distress. Did the Government, then, obtain the concurrence of the agriculturists by arguments based on the principles which Adam Smith and Mr. Huskisson had compounded? On the contrary, although those principles had been long established and relied on among commercial men, they had not yet, he believed, the concurrence of the agriculturists. The real argument used was, that if the farmers did not consent to this alteration, they would have a change in the Administration, and a party would come into office who would treat them still worse then they were treated now. The right hon. Baronet had scared them from their propriety by telling them, that if they did not follow his lantern, in order to come to that House, they might expect, as they walked through Palace-yard alone, and in darkness, to meet with the ghost of the late Government. It was by such arguments as these that the agricultural body were persuaded, and not by references to any sound principles of policy or expediency. And if such arguments were good for the change proposed, they were good also, he argued, for a change still greater and more important. For his own part, if such use was to be made of the late Ministry he was quite willing that they should make a still further use of them. They might say, if they pleased, as he understood some one had said in Lincolnshire, they will abolish all protection, therefore let us vote for those who will secure to us as much as we can get. This would be an inducement, no doubt, to the right hon. Baronet to make still further changes. He might say, "they (the ex-Ministers) will give you no duty at all; I will give you a fixed duty of 8*s*., which you will think not much better." Then, perhaps, would follow a state of things which he should like to see—not a return of the late Ministry to office, for in the present state of that House it was obvious that it would be impossible for them to carry on the Government, but the establishment of an Administration under the auspices of his Grace the Duke of Buckingham, and an attempt by the agriculturists unsupported to carry on the Government of the country. He should desire nothing better than to see such a specimen of an Administration as that. He felt assured that it would establish the right hon. Gentleman more firmly than he was now established, but he should not object to that consequence, if it were shown that it would be impossible for those who were opposed to any alteration of the Corn-laws to form or to carry on a Government, and that really sound principles should be introduced into our whole commercial policy from beginning to end. One circumstance had struck him in the course of this debate, which showed how much a discussion of a bill of this sort changed for the worse the disposition of the House. When they usually legislated, they legislated against some evil; for example, bills were introduced to remedy the evils arising from the present manner of building in cities, or to enable an inquiry to be instituted to ascertain the truth with respect to frauds in Exchequer-bills, or to prevent the bad consequences which would arise from the dissolution of a certain class of marriages contracted in Ireland. Such was the general course of legislation; it was directed to remedy some evil existing in the country. But now, when country Gentlemen spoke, they always assumed as an evil to be guarded against, a low price of corn. It was said, "Corn is such a price at Dantzic or Odessa, and if you let in foreign corn you will have it here at no higher price than 45*s*. or perhaps even 40*s*. the quarter, and there is no saying to what price meal, and flour, and bread may sink." They thought nothing more need be said when they had shown what was actually the price in foreign countries, and that corn would be at a similar price here, and considered that an evil which Parliament ought by all means to prevent. He said they ought to proceed on totally different principles, and he did not wish that corn should be sold at 54*s*. or 56*s*., but that it should be sold at the cheapest price compatible with justice to the agricultural interest. He would not impose upon the British farmer the task of bringing corn to market loaded with imposts which were laid upon him; but which were not laid upon his competitors. He said, if there were such imposts, give the agriculturist an equivalent protection, and let him be placed on an equal footing with those whose competition he had to encounter. The lower the price of corn could be brought down consistently with that object the better. His belief was, if the House would reject this bill, and if they would assume the virtue of really legislating upon sound principles, that without very much diminishing the price of corn in this country they would produce a much greater abundance of employment, and in that way they would enable the people to obtain a much greater abundance of food He believed that if they would legislate upon such principles, the trade with America and the northern countries of Europe would exceedingly increase. He believed that any financial difficulties which they might have to meet would be overcome by such freedom of trade, and by the consequent general increase of the commerce and wealth of the country. He believed that in that general increase of commerce and wealth, and especially in the increase of manufactures, the landed interest would find their truest sources of prosperity; that, whatever might be the temporary apprehensions of weak and narrow-minded men, they would soon find that the principles assumed as the basis of their legislation were really just principles, and that here, and throughout Europe and America, their example would be looked to for generations to come.

Sir *R. Peel* said, Sir, I must in the first place offer my acknowledgments to the noble Lord for the liberal offer which he has been good enough to make to me of the 8*s*. duty. The noble Lord says I should be perfectly welcome to take possession of the 8*s*. duty, and propose it as the measure of Government, and that he thinks my friends and supporters would be compelled to sanction that measure or any other which I may propose, and that I should hear no taunt from him if I adopted that measure. Now, I do not adopt the measure of the noble Lord, because I disapprove of it; I disapproved of it when in opposition, and stated the grounds on which I was led to form that opinion. The noble Lord, it appears from what he said to-night, was aware, during last Session, that I should probably propose some alteration in the Corn-laws. He cannot, therefore, taunt me with any inconsistency in bringing forward a measure for the amendment of the Corn-laws. The noble Lord, wishing to secure two Members for Lincolnshire, intimated his opinion to the constituency that they had better support Mr. Handley and the noble Lord the present member for that county, as they might be quite sure that the noble Lord and the hon. Gentleman would give their cordial support to the existing system of Corn-laws, whereas it was perfectly clear that I intended to propose an alteration, and that those who would succeed the noble Lord and the hon. Gentleman would probably support such a scheme. The noble Lord, therefore, must have been prepared for such a measure as the one I now propose. If I were to propose an 8*s*. duty I could not defend it on the principles of the noble Lord. He tells us that he does not wish that corn should be at a higher price than is consistent with justice to the agricultural interest. It is incumbent on him, therefore, to tell us what justice to the agriculturist is. I apprehend that he will labour under the same difficulty as he thinks I do. I am not exactly aware of the distinction in principle here between the noble Lord and myself. I have been excessively blamed for intimating an opinion that corn might probably be hereafter at a price from 54*s*. to 58*s*., and the noble Lord distinctly says to-night—that is the consolation he gives the agriculturists—that with an 8*s*. duty he does not apprehend there will be any material difference in the price. Why, if the noble Lord means the present price of corn, I cannot agree with him. My opinion is, that under my law, the price of corn, taking the average of the last four years, at 62*s* to 64*s*., will be less than in those years. If you adopt the scale of duties which I propose, I must own I think there will be a reduction in the price of corn from any such general averages as 62*s*. or 64*s*. I should not have thought it necessary to refer to the speech made on bringing forward the bill, and should have submitted to all the misconstructions and misrepresentations of what I said, if the noble Lord had not again repeated them. I have been told that I said on that occasion that I did not contemplate that any relief whatever would be afforded by it to the commercial distress, and therefore half the gentlemen who have spoken on the other side have said to my hon. Friends, "Why do you support this measure, from which the author of it himself declares there will be no mitigation of the existing commercial distress?" I beg to refer now to what I did say on that subject. Here is a report of what I said, which I did not correct in any way. I am always surprised at the general fidelity with which the reports of what passes here are given, and I take it as being an ordinary report, uncorrected by myself. I found, on bringing forward the scheme, a general attempt to create excitement and agitation throughout the country by declaring that the whole of the existing commercial distress might be attributed to the Corn-laws. I found that many persons were suffering great privations, and I found strenuous and combined efforts made to inflame their passions by representing the Corn-laws as the cause of the manufacturing distress, and the great agricultural interest of this country as solely actuated in their maintenance of the Corn-laws by pecuniary and corrupt motives. The language I made use of with reference to this point was as follow:—

> "I feel bound to declare, that I cannot attribute the distress, to the extent in which it was by some supposed imputable, to the operation of the Corn-laws. I do not view with those feelings of despondency with which some are inclined to regard them, the commercial prospects of this country."

Those were the words I made use of, and the noble Lord, the Member for Sunderland, to whose speech I listened with the greatest attention, and I may add also, from the moderation of its tone, as well as from its ability, with great satisfaction, states, that in that respect, he takes a view not materially different from mine. I do think I should be practising a delusion if I said, that the alteration of the Corn-laws would produce material and immediate mitigation of the commercial distress. That was the qualified way in which I stated this opinion. I added, that

> "While I admit the existence of commercial distress, while I deplore the sufferings which it has occasioned, and sympathise with

those who have unfortunately been exposed to privations, I feel it my duty, in the first place, to declare that, after having given to this subject the fullest consideration in my power, I cannot recommend the proposal which I have to make by exciting a hope, that it will tend materially and immediately to the mitigation of that commercial distress."

That was the language I adopted, and I do believe that the effect of the Corn-laws has been greatly exaggerated. I said, I thought there were other causes which had done much more to produce distress; and I declared, that I did not despond, nor did I believe that the resources of the country were exhausted, and our manufacturing prosperity ruined. I said, I thought there were other causes in operation which would account, not altogether, but in a material degree, for the present distress. This is one of the misrepresentations to which, in the course of ten nights' debate, I have been constantly subjected. I have been subjected to the imputation of having brought forward this measure, without the slightest hope that it would contribute in the least to restore commercial prosperity. It has been said, that I declared that the object of the law was to fix the price of corn at *54s.* or *56s.*, or at least to insure its never verging more than from *54s.* to *58s.* I beg again to refer to what I really did say:—

"Nothing can be more difficult, than to attempt to determine the amount of protection required for the home producer. I am almost afraid even to mention the term 'remunerating price,' because I know how necessarily vague must be the idea which is attached to it. The price requisite in order to remunerate the home grower must necessarily vary; a thousand circumstances must be taken into account before you can determine, whether a certain price will be a sufficient remuneration or not; and the same difficulty occurs when we attempt to determine on adjusting the scale of duties. . . . I cannot say, on the other hand, that I am able to see any great or permanent advantage to be derived from the diminution of the price of corn beyond the lowest amount I have named, if I look at the subject in connexion with the general position of the country, the existing relations of landlord and tenant, the burdens upon land, and the habits of the country. When I name this sum, however, I must beg altogether to disclaim mentioning it as a pivot or remunerating price, or any inference that the Legislature can guarantee the continuance of that price; for I know it to be impossible to effect any such object by a legislative enactment. It is utterly beyond your power, and a mere delusion to say that, by any duty, fixed or otherwise, you can guarantee a certain price to the producer. It is beyond the reach of the Legislature."

I said, that all you could do was, to determine the price at which you would permit competition with the foreign grower, but you could not guarantee the producer a fixed price, or answer for its maintenance at between *54s.* and *58s.* For this report, as I said before, I am not in the slightest degree responsible; but, as far as my recollection serves me, it is exactly in correspondence with what I did say. The noble Lord, selected a particular instance with respect to imports from the United States. I certainly did mention a particular instance in which an import had taken place from the United States in a very short period. An hon. and gallant Officer opposite (Sir C. Napier) said, I ought not to rely on that case as an indication of the length of voyage under all circumstance, and desired that there might be produced an account of the length of the voyage by ships importing corn from the United States. I have it now before me, with respect to New York, the chief port from which corn is brought into England, giving the length of voyage of all ships from New York to Liverpool in 1841. The number of ships was thirty, and the average duration of the voyage was twenty-three days; and that being the case, if you do permit, by an alteration of the law, a more regular trade in corn than you have had under the existing law, it does appear to me clear from this paper, that the United States are not, in comparison with Dantzic and other ports in the Baltic, placed at such disadvantage with respect to the import of corn into this country as some people have imagined. Having already had frequent occasion to address the House upon the subject, I have always wished, as far as possible, to confine my observations to the particular subject immediately under discussion. I thought we had already discussed the merits of the fixed duty, and also of the sliding-scale. But the noble Lord has revived both. And yet he is not now at liberty to propose the scheme of a fixed duty. This advocate for great principles will negative my bill. He who talks so much of conciliating political support, dare not maintain his own principle and resolution in order that he may collect a few stray votes from those around him. If the noble Lord had been consistent, and had wished to enlighten us, he ought distinctly to have explained what he means by justice to agriculture. On what principle was his 8*s*. duty to be maintained? He admits the 8*s*. duty would not diminish the price of corn; if that be so, and if the manufacturer be of opinion that the high price of corn is the cause, of all others, favourable to foreign competition, how does the noble Lord think that the 8*s*. duty would be a settlement of the corn question? This is the case of the free traders, the constant and decided advocates of a repeal of the Corn-laws. They say that a bread tax is odious and unjust, they say that the existence of a tax upon corn subjects you to an unfair and discouraging competition with foreigners, but the noble Lord tells them, "Take the 8*s*. fixed duty on corn," although he does not think the result will be any diminution of the cost of corn in this country—he does not expect prices will be reduced. How, then, can he expect that his project would be a permanent settlement of the question? and how can he expect to unite in permanent union with him those whose support he could conciliate only when he ventured to move a negative? Why, the first moment he brought forward any distinct substantive proposition, as has been my duty, his present supporters would at once abandon the noble Lord. The noble Viscount, the Member for Sunderland, who spoke early in the debate, not only admitted that this was a substantial and material improvement of the existing law—he not only admitted, with the hon. and learned Member for Liskeard, that it would have this advantage, that it would occasion an increase of revenue; but he also drew a favourable contrast between the proceeding of the present and the late Government with respect to the manner in which they brought forward this question. Having determined on an alteration in the Corn-laws, we placed the announcement of it in the Queen's Speech, and on the earliest day on which it was possible to discuss the question, we brought it forward, on the authority and responsibility of the Government. The noble Lord, on the contrary, maintained an entire silence on the subject in her Majesty's Speech, and intimated to the House his intentions with reference to the Corn-laws only at an advanced period of the Session. As a question affecting great and complicated interests, and in respect to which the minds of men were much divided, I had to deal with the Corn-laws; and I felt this, that if the question was to be touched, it was desirable to bring it to a practical conclusion. I did not want to bring forward a measure enunciating some general principles, and after spending the Session in discussion, find myself in August praccally where I was in January previous. I wished to propose a measure which there would be a prospect of passing into a law —not giving universal satisfaction, for that I despaired of—but having the concurrence of the well-thinking, rational, intelligent portions of the community. Yes, and I have had it. And what makes your debates so flat and dull? What, but that the country has decided in favour of my measure? I am not speaking of the Anti-Corn-law League; it is quite impossible that they should so soon forget their vocation as to permit their acquiescence in this law. I am not speaking of the agricultural community, but I do believe that among the trading, manufacturing, commercial classes, there is a strong conviction that the measure I have proposed, looking at the existing state of the country, is a fair and just arrangement. Yes, and if it were otherwise, I should find the debates in this House carried on with much more spirit and vigour. Well, now, this is the second reading of the bill; and the proposal of the noble Lord is, that it be rejected. But the decision to-night will be no indication whatever of the opinion on the subject of the Corn-laws, because it will be my misfortune to find myself opposed by those who, with the noble Lord (J. Russell), were in favour of a fixed duty. And, by the by, when the noble Lord offered me the fixed duty scheme, I should like to know whether he meant the fixed duty of the last Session or that of the present. Allow me to tell the noble Lord, when he says I scare my agricultural friends by threatening them with the ghost of the late Government in Palace-yard, that if that ghost were an indication that the late Government were really defunct, the apparition would not be an unwelcome one. [*Cheers.*] I am sorry the right hon. Gentleman opposite does not understand me. But will the noble Lord tell me, when he makes the offer of the fixed duty, whether he is bequeathing to me one of those legacies which the late Government on their death-bed left to an admiring country—the 8*s.* fixed duty, which was to be maintained by a resolute Government, whatever the price of corn might be, in order to insure permanence in the commercial arrangements of the country, or that modification of a fixed duty which, to the surprise of the noble Lord, he proposed in the course of this Session—which adopted the averages, for they were necessary to the system, and provided that when corn should arrive at 73*s.* there should be a sudden drop in the scale from 8*s.* to a nominal duty? I shall be opposed by those advocates of a fixed duty on corn who think there should be a fixed duty as countervailing the burdens on land; and by those other advocates of a fixed duty who agree with the noble Lord the Member for Tiverton that a tax should be imposed on foreign corn imported into this country, not by way of protection, but specially for the purposes of revenue. I shall also be opposed by the advocates of the 5*s.* duty. I shall be opposed, I fear, by those Gentlemen who are opposed to any duty whatever. I am afraid I shall be opposed by some, I trust a very few, who, differing totally from the great body of my opponents, think my proposal endangers the prosperity of agriculture. [Lord *Worsley:* "Hear."] The noble Lord is one of them. Then I am afraid I shall also be opposed by some Gentlemen from the sister kingdom—the loudest advocates for free-trade, who, when the proposal was in the distance, or brought forward by a Government who could not carry it, gave their political support to an Administration which was the very ghost of free-trade in Palace-yard. Now, I earnestly ask those hon. Gentlemen well to consider what would be the consequence of rejecting this measure: 3*s.* 4*d.* on oats is the highest duty which the noble Lord gives them; and any protection so inadequate, so pregnant with danger as they say it is to the interests of the agriculturists, being at any rate a higher protection than that which the noble Lord offers, will, I should think, be preferable in their eyes. My hon. Friend the Member for Wallingford expressed his astonishment that I should propose so sweeping a measure as this; he differs from me, and thinks it will cause the introduction of a great quantity of foreign corn. I shall therefore, I fear, encounter his opposition, on the ground that the measure is injurious to the agricultural interests. But I ask those hon. Gentlemen to consider, if they reject this measure, what prospect of success there would be of carrying any other measure? I do not agree with the noble Lord that success is indifferent. I think hon. Gentlemen ought to feel that confidence in the strength of their own arguments as to consider it a misfortune for them to be rejected; but I must say, that I do not think there would be any advantage from an increased protection upon oats in Ireland, or wheat in England. They may not think I go far enough; but, upon the whole, considering the present state of parties, and of the public mind, it is not probable that any law will be proposed which will be more generally satisfactory, or which, at any rate, will give increased protection; and if they come to that conclusion, and find among the most intelligent of the agriculturists who wish, perhaps, for increased protection, yet at least, admit that there are considerable difficulties in the subject—an opinion that this is a better measure than they anticipated —I trust that this feeling, which I believe to predominate among the most intelligent agriculturists of this country, will have its due influence in this House, and that my hon. Friends, if they will not agree with me in all its details, will feel themselves enabled to give me their support. The noble Lord has ridiculed the prejudices and fears of the agriculturists. Now, the noble Lord should be sparing upon that point. He has a perfect right, and I do not complain of it—on the contrary, I think it manly and courageous—to change opinions when upon more extended views you believe them to be wrong; but he ought to have had mercy on the farmers who entertained fears respecting agriculture; for, if ever there were a public man who wrote in a manner to excite those fears, and confirm the prejudices of the agriculculturists, that man was the noble Lord. There sit the noble Lord the Member for London and the hon. Member the late Vice-President of the Board of trade (Mr. Sheil); and if ever any men did anything to excite apprehension, the one for Irish oats, the other for English wheat, they were the noble Lord and the right hon. Gentleman. The noble Lord was all for English wheat; the right hon. Gentleman was all for Irish oats; but their agricultural partialities have in some degree vanished. Surely I might say,—

"Tuque prior tu parce,"

in respect to those unfortunate farmers whose apprehensions you have done as much as any man to excite. But what, I again ask, will be the consequence of rejecting this measure? In proposing it I offer a great mitigation of the evils complained of in the present system. Reject it, and what other arrangement can be made? Is the noble Lord strong enough to carry his 8*s.* duty? Is any other party strong enough to maintain the existing system, or to give a Corn-law more favourable to the agriculturists? The only alternative is, leaving this question the subject of prolonged agitation and discussion, interupting all commercial intercourse, disturbing the relations between landlord and tenant, and making it impossible for any man to know upon what terms he holds his land. I believe that as large a portion of the community as any man could anticipate, when a change in the Corn-laws was proposed, have decided that this is a just protection, and I believe that they are anxious for the passing of the bill. I cannot anticipate the support of those who are in favour of repeal or a fixed duty; but I earnestly hope that the great body of those hon. Gentlemen who have for many years given me their confidence, and such marked proofs of it in the present Session, will feel it their duty upon this occasion, and upon every other future discussion upon this subject, to support the bill which I have had the honour of submitting to the House.

Lord *Worsley* rose to move an adjournment of the debate. [*Cries of* "*Go on,*" *and* "*Question.*"] If the House would permit him, then, he wished to address them, in consequence of an observation that had been made respecting him in an early part of the debate, in which the hon. Member for Devonshire stated, that he had said, that he thought hon. Gentlemen opposite were inconsistent in their votes in that House, when he recollected the hopes they held out to their constituents, and he stated, that he thought, however inconsistent they might have been, their inconsistency was not equal to that of which he was guilty last year. But when the hon. Member stated that, the hon. Member forgot to state also, that when her Majesty's late Ministers proposed an alteration in the sugar duties and the Corn-laws, he expressly stated in the House, that he should oppose the Government on the sugar duties, and he accordingly voted against them; and he also said, that he should oppose the Government on the Corn-laws. He had referred to the debates on the question of want of confidence in the late Administration, and he found, that what he had said was this:

> "Although it is painful to me to separate from the Government and vote against them, as it will most probably transfer power from them to Gentlemen on the opposite side of the House, yet, upon the Corn-laws, I have only one course to pursue, and whenever that subject is brought forward, I shall feel obliged to repeat the vote which I reluctantly gave against them on the question of the sugar duties."

That occasion was a different one from this; then a single vote was likely to transfer power to other hands; but that was not the case now. He could understand, that hon. Members might say, if the balance of power were as nice now as it was then, that they would vote with the Government; but he thought, that they ought to vote against the Government upon this scheme, which they themselves disapproved of, for they might do so without withdrawing their general support from the Government. The right hon. Baronet, the Member for Kent, said, that there was upon his side of the House a general acquiescence in this measure; but at the same time, he seemed to take great pains to prevent hon. Members from following the example of the hon. Member for Wallingford. The right hon. Member might, perhaps, have forgotten, that there had been a division on part of this scale, and that several hon. Members had voted against the duty on oats the other night. There had also been several hon. Members on the other side, who had stated unhesitatingly their opinion, that the scale of duties in this bill was not sufficient to protect the agricultural interests. And who were those hon. Members? Were they the representatives of small constituencies? Did they not represent large bodies of people in this country? The hon. Member for Shropshire stated, that it would be ruinous in Wales. The hon. Member for the Elgin Burghs had said, that it would be so in Scotland. The hon. Member for Waterford had declared, it was most unpopular in Ireland. The hon. Member for Lincolnshire proposed an amendment. The hon. Member for Norfolk said it was impossible to carry out the Poor-law Bill, if this measure was passed.

The hon. Member for Essex objected to the bill. The hon. Member for Dorsetshire did the same, and the hon. Member for Devonshire objected to the bill, as it did not give sufficient protection to the agricultural interest, but, at the same time, he stated, that he could not make up his mind to vote against the right hon. Baronet. He might have taken the same course, last year, but he preferred acting as an independent Member. There was no inconsistency in his voting confidence in the last administration, although he had voted against the Corn Bill which they had proposed. He agreed with the general policy of the last Administration, although he differed from their policy on one important measure, and he disagreed with the policy of the present Government, and from his knowledge of the previous life of the right hon. Baronet, at the head of that Government, he did not expect any measure which would maintain sufficient protection to the agricultural interest. But it might be said, that the House was since pledged to inquire into the Corn-laws. But who said so? The amendment on the Address was moved by those who before objected, not only to the measure proposed by the last Administration, but who generally opposed all alterations in the Corn-laws, and what were the words of that amendment:—

> "We assure your Majesty, that we are deeply sensible of the importance of those considerations to which your Majesty has been graciously pleased to direct our attention in reference to the commerce and revenue of the country, and to the laws which regulate the trade in corn.
>
> "That in deciding the course which it may be advisable to pursue with reference to such matters, it will be our earnest desire to consult the interest, and promote the welfare of all classes of your Majesty's subjects."

Was the bill now before the House calculated to promote the objects introduced into that amendment? He thought it was not; he thought it was not calculated to promote the agricultural interests, and the manufacturers believed it was not calculated to promote theirs. There was a general opinion, that the measure now introduced was not to be a final one. But the right hon. Baronet said, there was a general willingness to have it adopted. And why was this the case? Simply because the country knew his power to carry his measure. The right hon. Baronet's supporters knew this. They knew, indeed, that the present was not the measure which they could have wished, but they durst not come back to the old, independent, English, county-member course. He had maintained this character both among the present, and also during the late Administration, but he could not expect all others to follow his example. They thought there was much difficulty connected with the question; now he did not see this difficulty. It was said, that if the bill were lost, they must either take the fixed duty, or the old law. He opposed the measure, because he believed it did not give sufficient protection to agriculture. The right hon. Gentleman, the Vice-President of the Board of Trade (Mr. Gladstone) formerly said, that 20*s.* duty was prohibitory, that evening he had said it was not. Now, he did not understand this discrepancy of statement. He thought there should be a prohibitory duty. He agreed with his noble Friend, the Member for London (Lord John Russell), that wheat should be grown cheap, but he also thought it should be produced as much as possible in this country, and cheap foreign corn must be kept out during cheap prices here. The hon. Member for Devonshire said, the barbarous system of farming was still carried on in his county. Now, he (Lord Worsley) begged to say, it was not so in his county. In those parts, the most extensive investments were made at the present time on the faith of protection. He thought, if wheat in this country was to be bought at 45*s.* per quarter, there was no need for the introduction. The corn-dealers alone, in his opinion, liked the change. The bill had been recommended as having a tendency to lower corn abroad, and produce a regular trade in corn here. On both these points he objected to the bill. He anticipated, that land would be thrown out of cultivation by it, and that agricultural would be added to manufacturing distress. The noble Lord, in conclusion, withdrew his motion for an adjournment.

Sir *C. Napier,* would not detain the House five minutes. The gallant Officer referred to some calculations to show, that an interval of fifty-one days must elapse between the dispatch of an order from this country (by steamer) and the arrival of a cargo from America. He wished to know what inconvenience would arise from making the duties payable upon foreign corn according to the price in this country, at the time it was placed on board in a foreign port.

Mr. *Villiers* said, as it appeared that the House was determined not to accede to the noble Lord's motion of adjournment, and as it was impossible at that late hour, and in the then state of the House, to enter into the question, he would only say one word to distinguish his motives and that of other Members who agreed with him in voting for the amendment, from those who opposed it, because they were advocates of a permanent restriction on free-trade in food, and from those who opposed it thinking, that the measure was a substantial improvement on the bill, and who gave their votes from believing, that it would have no effect in rejecting that measure. He opposed the bill upon principle, because its purpose was to raise the price of and obstruct the trade in food. He opposed it because it would afford no immediate relief, and for that opinion he had the right hon. Baronet's own authority. He opposed it because he thought it would give no ultimate relief—for the peculiar mode of obstructing the trade was precisely the same as in the present law, and which had the effect of preventing an abundant and regular supply—and was constructed with the distinct purpose of preventing food being grown abroad for the supply of this country; and he opposed it because if the proposed reduction of the duty had the appearance of rendering the market more accessible to foreign producers, he believed, that the provision for striking the averages had been contrived for the purpose of preventing the reduction having that operation. For these reasons, alone, then, he should feel himself bound and justified in offering to this measure his most strenuous opposition.

The House divided on the question that the word "now" stand part of the question:—Ayes 284; Noes 176: Majority 108.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Astell, W.
Attwood, J.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, C. B.
Balfour, J. M.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, T.
Campbell, Sir H.
Campbell, A.
Carnegie, hn. Capt.
Chapman, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W. R.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Collett, W. R.
Colville, C. R.
Compton, H. C.
Coote, Sir C. H.
Corry, rt. hon. H.
Courtenay, Visct.
Cresswell, B.
Cripps, W.
Crosse, T. B.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
D'Israeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquess of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, Sir P.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Feilden, W.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fleming, J. W.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Grant, Sir A. C.
Greenall, P.
Greene, T.
Gregory, W. H.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Jermyn, Earl of
Johnson, W. G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Legh, G. C.

Leicester, Earl of
Lemon, Sir C.
Lennox, Lord A.
Liddell, Hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
MacGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Milnes, R. M.
Mitchell, T. A.
Morgan, O.
Morgan, C.
Mundy, E. M.
Murray, C. R. S.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pemberton, T.
Pigot, Sir R.
Plumptre, J. P.
Pollock, Sir F.
Powell, Col.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hn. Sir W.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smyth, Sir H.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, T. E.
Taylor, J. A
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hn. F. J.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Whitmore, T. C.
Wilmot, Sir J. E.
Wood, Col.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col.
Wyndham, W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Acheson, Visct.
Ainsworth, P.
Aldam, W.
Anson, hon. Col.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Bell, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buller, C.
Busfeild, W.
Byng, G.
Byng, rt. hon. G.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Colborne, hn.W.N.R.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
Denison, J. E.
Dennistoun, J.
D'Eyncourt,r.hn.C.T.
Duff, J.
Duncan, G.
Duncombe, T.
Dundas, A. D.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Esmonde, Sir T.
Evans, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fielden, J.
Fitzalan, Lord
Fitzroy, Lord C.
Forster, M.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gordon, Lord F.
Gore, hon. R.
Grey, Sir G.
Guest, Sir J.
Hall, Sir B.
Harford, S.
Harris, J. Q.
Hastie, A.
Hatton, Capt.
Hawes, B.
Hay, Sir A. L.
Hayter, W. G.
Heathcoat, J.
Hindley, C.
Hobhouse, rt.hn. Sir J.
Holdsworth, J.
Horsman, E.
Howard, hn. C. W. G.
Howard, hon. H.
Howick, Visct.
Humphery, Mr. Ald.
Hutt, W.
Jardine, W.
Johnston, A.
Labouchere, rt. hn, H.
Lambton, H.
Langston, J. H.
Larpent, Sir G. de H.
Layard, Captain
Leader, J. T.
Loch, J.
Macaulay, rt. hn. T. B.
McTaggart, Sir J.
Maher, V.
Mangles, R. D.
Marjoribanks, S.
Marshall, W.
Martin, J.
Maule, rt. hon. F.
Mitcalfe, H.
Morris, D.
Morison, General
Mostyn, hon. E. M. L.
Murray. A.
Napier, Sir C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Col.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philipps, Sir R. B. P.
Philips, M.
Pinney, W.
Plumridge, Capt.
Ponsonby, h. C.F.A.C.
Ponsonby, hn. Lord G.
Powell, C.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Redington, T. M.
Rennie, G.
Rice, E. R.
Ricardo, J. L.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.

Russell, Lord E.
Scott, R.
Scrope, G. P.
Sheil, rt. hon. R. L.
Smith, B.
Smith, J. A.
Smith, rt. hn. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Traill, G.
Troubridge, Sir E. T.
Villiers, hon. C. P.
Villiers, F.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Ward, H. G.
Wawn, J. T.
Westenra, hon. H. R.
Wilde, Sir T.
Williams, W.
Wilson, M.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Tufnell, H.
Hill, Lord M.

Bill read a second time.

Adjourned.

HOUSE OF LORDS,

Thursday, March 10, 1842.

MINUTES.] BILLS. *Public.*—3ª· and passed:—Duchy of Cornwall.

Private.—1ª· Glegg's Divorce.

Reported.—Loan Societies; Apprentices Regulations; Van Diemen's Land.

PETITIONS PRESENTED. By the Earl of Mountcashel, and Lord Campbell, from various places in the counties of Down, and Tyrone, in favour of the Marriage (Ireland) Bill.—By Lord Brougham, Lord Vivian, and Lord Kinnaird, from St. Martin's-in-the-Fields, Truro, Bodmin, and Dundee, for a Repeal of the Corn-laws.—By Lord Brougham, from the Mayor and Corporation of the City of London, against the practice of Burying the Dead in the City, and Populous Districts.—By Lord Feversham, from Boards of Guardians in the County of York, for Alteration of the New Poor-laws.

MARRIAGE-LAW (IRELAND).] Lord *Campbell*, on presenting petitions from the ministers, elders, and congregations of several chapels in connection with the general assembly of Presbyterians in Ulster, praying that the marriages of Dissenters with members of the Established Church might be declared valid, said he would take that opportunity of mentioning that he had that day received a letter from one of the judges in Ireland, stating that at the late assizes at Carrickfergus a case came on for trial, which involved the same question as that case on which the Irish judges had decided against the validity of marriages of Presbyterians and members of the Established Church by Presbyterian clergymen. As the recent decision had not given satisfaction the learned Judge thought it would be a good opportunity to have the case reconsidered by the Irish bench, and afterwards by the House of Lords, aided by the English judges, and he therefore directed the jury to return a special verdict, which they did. The case might thus be submitted to the judges of Ireland for their opinions, and afterwards to the House of Lords. Under these circumstances he (Lord Campbell) would suggest, whether it would not be better for their Lordships to suspend any further proceedings on the bill which had come up from the other House, as they would probably be soon called upon to decide upon the question as to the validity of those marriages in another way.

The *Lord Chancellor* said that, supposing their Lordships should decide against the validity of the marriages, would it not then require some such measure as that now before them to settle the question? He thought it better to go on with the bill.

Lord *Campbell* thought there could be very little doubt as to the way in which their Lordships would decide; and, supposing they should decide that the marriages were valid, a short declaratory act only would be required; and supposing them to declare the marriages invalid, a short enacting bill would be sufficient.

The *Lord Chancellor* said, that the bill would be so framed as not to interfere in any way with any course which their Lordships might think proper to adopt on the subject.

Lord *Brougham* expressed a hope that noble Lords would not discuss the question then, as they had referred the bill to the consideration of a committee.

Petition laid on the Table.

THE EARL OF ABERDEEN — THE FRENCH AMBASSADOR. The Marquess of *Clanricarde*, seeing the noble Earl the Secretary of State for Foreign Affairs, would beg to put a question to him on a matter which, in his opinion, did not require any previous notice. He observed that the despatch from the noble Earl to our Ambassador at Paris, a copy of which had been laid on the Table by command of her Majesty, was dated the 28th of January; but he saw by the public papers that since that date the subject of the despatch had been noticed in the French Chambers. The question which he wished to ask the noble Earl was, whether he had since received any official reply to it from the French Government?

The Earl of *Aberdeen*: None whatever.

EDUCATION—(IRELAND).] The Marquess of *Lansdowne* had a question to put to the noble Duke (the Duke of Wellington) on a subject which he considered of high importance as relating to the state of education in Ireland. Their Lordships were aware that since they met in the present Session, there had been laid before them an important report emanating from the Board of Education, and the more important as it entered more fully and more satisfactorily into the state of education in Ireland and its progress, than had been done in any previous report. From that report it appeared that since the previous report there had been added 400 schools to those already in connexion with the board, making the whole number of schools at the present time 2,000. In the 400 schools thus added there were not less than 60,000 scholars, and, notwithstanding the objections and misconceptions which had long created obstacles to the connexion, there were not less than 290 of those schools in connexion with the general synod of the Presbyterians of Ulster, who now showed their willingness to come forward and partake of the great advantages held out to them by the Board of Education. It also appeared from the report to which he had referred that considerable progress had been made by the board in one most important matter—namely, the proper training of teachers, and thus opening out a much wider prospect of improvement than even many of the most sanguine of the supporters of the system had at first contemplated. Notwithstanding those very cheering prospects, rumours had gone abroad importing that Her Majesty's Government intended either to withdraw some of the grants, or in other respects greatly to alter the present system. For his own part, he did not believe those reports; but, as they had gone abroad, whether well or ill-founded, it was most important to the state of education in Ireland that the exact intentions of Government should, as far as possible, be known on this matter. As estimates for the current year were now, he presumed, in a forward state of preparation, he did not think that it required any apology to their Lordships or to the noble Duke, if he asked whether it were the intention of the Government to continue the grants for education to their present amount, or in any way to alter the constitution or proceedings of the Board of Education. If anything were wrong in either of them, no doubt the alteration necessary to remedy the defect, if any, would be made; but still, he repeated, it was of the utmost importance to education in Ireland to have it known what were the precise intentions of Government as to those points. He himself felt much interest in the question of education, having established several schools on the system founded by the National Board; but he made the enquiry on public grounds, having no stronger feeling on the subject than must be entertained by every one of their Lordships in a matter of such vital importance to the interests and well-being of a people.

The Duke of *Wellington* said, as the noble Marquess had given him notice of his intention to put the question to him, he was prepared to give the noble Marquess an answer. With respect to the report to which the noble Marquess had referred, he did not feel it necessary to enter into any observations upon it at that time. With respect to the noble Marquess's question as to the intentions of the Government with respect to a change in the grants or in any other matter connected with the Board of Education in Ireland, he would say that if the Government intended any alteration it would be after the most mature and deliberate consideration of all the bearings of that alteration on the institution itself, or the general improvement of Ireland as connected with it. For his own part, he had always had his own opinion on the subject of this system of education, and though there were some points of it of which he did not approve, yet he had never opposed any grant for the purpose, and certainly he would never be the person to make any alteration except upon due consideration and his firm conviction that it would be for the improvement of the institution itself, and that it would not deprive the people of Ireland of any of the benefits which they now derived from it.

The Marquess of *Lansdowne* thanked the noble Duke for the information he had given him. As he understood the noble Duke, he took it that there was to be no alteration in the amount of the grants made for education in Ireland, and he trusted he might assume that no alteration of any kind—at least, no important alteration—would be made in the present system until the fullest consideration of the Government had been given to the subject, and until the Government should have availed itself of the opinions of Parliament on the subject.

POOR-LAW RETURNS—USE OF MACHINERY.] Earl *Stanhope* said, he had to move for certain returns, for which, as no objection would be made to them on the part of the Government, he did not feel it necessary to give a notice. The motion was for a return of the number of paupers admitted into each of the union workhouses from January 1st, 1836, to December 31st, 1841, and also of the number of persons accommodated therein, and the number of deaths occurring annually therein, specifying the cause of each death.

Agreed to.

Earl *Stanhope* in presenting a petition to their Lordships would express a hope, that he should be more fortunate in getting the return which had just been agreed to than he had been with respect to certain returns for which he moved, and which had been ordered, nearly three years ago. The motion on that occasion was for a statement of the sums borrowed for each union workhouse, and also of the sums laid out in law expenses for periods of three years each before and after the passing of the new Poor-law Act; that motion was made and agreed to on the 16th of August, 1839, but from that time to the present, no return had been made to it. There was a point beyond which their Lordships' patience ought not to be carried, but in the present case he thought it had been carried to excess. Two Sessions had now elapsed, and the returns were not forthcoming. If any difficulties had arisen as to the making out of such returns, it was the business of those whose duty it was to make them to state those difficulties, that they might be removed. However, after this, he gave notice, that if not produced within a short time, he should move that the returns be made forthwith. He would take this opportunity of giving notice also, that if a bill which he perceived was now in progress through the other House, entitled "A bill for regulating the duties on the Importation of Foreign Corn," should come up to that House, he would, on the question of its second reading, move as an amendment, that it be read a second time that day six months, and take the sense of the House on the amendment. He would now beg to call the attention of their Lordships, to a petition which had been intrusted to his care. It was signed by only one individual, a member of one of the humbler classes, but it spoke the language and expressed the sentiments of many hundreds of thousands of those classes. The petitioner was Abraham Leach, a poor handloom weaver of Rochdale, in the county of Lancaster. He complained that he was robbed, oppressed, and brought to beggary by the manufacturers, who had taken from him the means of labour, and had substituted for it untaxed machinery. It was not his intention to detail the sufferings of large bodies of the handloom weavers; he would not enter into the extent of those distresses, but would say a word as to their cause. The petitioner said, and said truly, that the system on which the manufacturers had acted for a long time was subversive of the great bond and compact of society, by which men gave up an equal claim to the productions of nature, in order that they should be guaranteed in the enjoyment of their fair share. The petitioner asked, and he (the Earl Stanhope) would be glad to hear some satisfactory answer to the question he asked, if the Government did not give protection to large classes of the people, were those classes bound to yield obedience to the Government? It had been always held, that if the one was not granted there was no legal claim to the other. It was said, that Government was instituted for the protection of the citizens of a state, and the petitioner claimed a right to such protection. He stated, that by untaxed machinery his labour had been rendered wholly unprofitable, and that his loom which, in 1805, would have produced 80*l*., was now not worth as many shillings. The prayer of the petitioner was, that their Lordships might take these matters into their serious consideration, and that he might be restored to those means of support which he formerly enjoyed as the price of his labour; but that if their Lordships should be of opinion, that this course would not be for the benefit of the nation at large, they would at least grant him compensation for the amount of the loss he had sustained. He (Earl Stanhope) thought that the prayer was most reasonable. All the petitioner claimed was, in strict conformity with the sacred principle of liberty which was at the commencement of the French revolution defined to be the right of every man, to do whatever he liked provided he did not injure another. He fully concurred in this principle, which ought to be applied in its fullest extent, and in every possible case, and he would contend that no man had a right to injure another, still less to injure whole classes of the community, by depriving them of the fair reward of their labour. The petitioner, then, was perfectly right in the call he made upon their Lordships, and all they could say or do, would fall short of doing him and his class justice, if they did not remedy the growing evil of which he complained. If he were asked what that remedy was, he would say it was this, that those who deprived others of employment in one particular business should supply them with an equivalent employment in another, or give them compensation to the extent of the loss they had sustained. The petitioner was borne out in his statement of the losses he had sustained in his business by the testimony even of the master manufacturers themselves, for he (Earl Stanhope) had been told by one manufacturer, that for certain articles of piece goods for which the weaver got 4*s*. 6*d*. in 1815, he now got only 10*d*. Was it possible to exist, or rather, to vegetate, on such a system as this? Was it possible to expect that men who were ground down by the loss of means of profitable employment should feel any attachment to the present system? No, but the system would beget feelings of revenge, which when roused under particular circumstances would show themselves strongly. He would, therefore, earnestly entreat their Lordships to take the circumstances into their most serious consideration. They might rest assured that the evils here complained of, would not be remedied either by a fixed duty on corn or a sliding-scale. The poor class of operatives could be relieved only in one or other of two ways —either by obliging those who deprived them of work in one way to supply it by work of another kind, or, as he (Earl Stanhope) had before said, by giving them compensation for the loss they had sustained. He might illustrate his meaning by a reference to a haymaking machine about which his opinion had once been asked. He would not prohibit its use, or prevent any person from endeavouring to avoid by it the risk arising from unfavourable weather, but he would compel such person to make full compensation to the labourer who had been employed by him in haymaking, for the loss of their earnings of which he had no right to deprive them.

Lord *Monteagle* said, that with respect to the complaint of the noble Earl as to the non-production of the returns for which he had moved in 1839, he would find on inquiry, that the fault lay, not with the officer whose duty it was to make those returns, but with the noble Earl himself in not having renewed the order in the ensuing Session; for the noble Earl must be aware, that an order made for the production of returns in one Session expired with the Session in which it was made, and no more would be heard of it if not revived in another. He could not sit down without entering his protest against the doctrines avowed by the noble Earl. Was it to be tolerated, that in a country like this, which owed so much of its greatness and prosperity to the industrious application of capital to machinery, the people should be taught to regard with vindictive feelings those who employed that machinery, and should be taught to look upon them as wrong doers, from whom they were entitled to receive compensation? The petitioner, their Lordships would observe, was a handloom weaver. Was he not as such himself an employer of a machine? Let him ask had not that very handloom displaced in its day a more simple form, by which alteration manual labour was, in a considerable degree, dispensed with? Were artisans then to go back to the more simple form of industry, or were they not, on the contrary, bound to go on with new improvements in machinery,—with those improvements to which this country owed so much? If machinery was the cause of distress, why not go back to the primitive state of man and abolish the plough, which was a machine effecting a saving of manual labour? He must, therefore, again protest against the doctrine, that all or any of the existing distresses were owing to the employment of machinery. The fact was, that all and everything about them was machinery; there was nothing connected with the comfort and convenience of man which machinery did not place more easily and cheaply within his reach than it could possibly have been by manual labour. He was sorry to have intruded upon the attention of their Lordships by even one observation on the subject, but he could not restrain himself from thus protesting against the doctrines avowed by the noble Earl, who had held up as an object for vindictive feelings in the working classes a system which had produced and carried civilization all over the world, and without which they mnst be driven back to the barbarism of their remote ancestors.

Earl *Stanhope* denied, that there was any neglect on his part in reference to the returns for which he had moved. Those returns had been moved for by an address to the Crown, to which an answer had been returned, informing the House that they should be produced, and he did not see why the lapse of a Session should prevent it. With respect to the observations of the noble Baron as to his opinions, he would only say, that when the proper time came, he should be able to defend those doctrines, as the noble Lord called them. The noble Baron had charged him with wishing to go back to a state of barbarism. He had not said anything of the kind, but he would now say, that a state of barbarism could not make the condition of some classes of the people worse than it was. Could a state of barbarism produce such an appalling fact as that 800,000 handloom weavers should be in a state of absolute destitution? [Noble *Lords:* No, no, not that number.] He had heard they amounted to that number, but he would not state it with certainty, He could declare, however, that in many places the handloom weavers were reduced to a state of destitution. In the town of Stockport alone there were above 15,000 persons whose average income did not exceed 1*s.* 1*d.* per week each. What could be worse than that condition? Talk of the prosperity of the country, why it could not be denied, that the country was more happy and prosperous—at least the people were more so—before this introduction of machinery. They had plenty of work and were well paid for it. The noble Baron need not be surprised at finding very strong language from the people on the great change which had taken place in their condition, nor need he be surprised, that the peace of the country should be endangered, when the poor working men found themselves in that state from which any change must be for the better.

The Earl of *Devon* did not mean to prolong this discussion, but merely rose to observe, that the practice of Parliament was, that no adjournment of their Lordships' House should prevent the return to any orders made by them. All orders made in the Session were considered obligatory out of it.

Petition to be laid on the Table.

BAPTISTS' AFFIRMATIONS.] Lord *Denman* observed, that in consequence of some observations that had fallen from a noble Lord on a former evening, he had now to lay on their Lordships' Table a bill for rendering the affirmation of that sect of Christians called Baptists equivalent to an oath in courts of justice. He had reason to know, that the operation of the law as it now stood, granting exclusively an exemption from taking an oath to Quakers and to those who formerly had been Quakers, but had seceded from the society, pressed very severely on that class of Christians called Baptists, who had very strong religious scruples against taking an oath at all, and he thought it very desirable that they should be released from that difficulty by having their affirmation received on all future occasions in evidence in those cases where an oath was now required. This was the object of the bill he now begged leave to lay on the Table.

Bill read a first time.

Adjourned.

HOUSE OF LORDS,

Friday, March 11, 1842.

MINUTES.] BILLS. *Public.*—1ª. Ecclesiastical Houses of Residence.

2ª. Incumbents Leasing; Ecclesiastical Corporations Leasing.

3ª. Van Diemen's Land.

Reported.—Loan Societies; Apprentices Regulations.

PETITIONS PRESENTED. By Lord Strafford, and Lord Brougham, from Kerry, Monaghan, and Down, in favour of the Marriage (Ireland) Bill.

Adjourned.

HOUSE OF COMMONS,

Friday, March 11, 1842.

MINUTES.] BILLS. *Private.*—1º. Ferry Bridge and Borough Bridge Road; Birmingham and Derby Junction

Railway; Brentford Gas; Indemnity Mutual Marine Assurance Company; Northern Coal Mining Company; Gosport Pier; Wakey Hill Inclosure; Runcorn, Frodsham, and Northwich Small Debts; Toxteth Park Paving and Sewerage; South Metropolitan Gas; Mersey Conservancy; Liverpool Borough Court; Liverpool Improvement; Liverpool Health of the Town and Buildings Regulation; Northern Union (Newcastle and Darlington Junction) Railway; Bristol Floating Dock; Bristol and Gloucester Railway; Greenock Harbours; Thames Haven Dock and Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway; Yate Inclosure; London and Blackwall Railway; Guarantee Society; National Floating Breakwater Company; Buckland Inclosure.

2°. Holywell Roads.

3°. and passed:—Leicester and Ashby-de-la-Zouch Road; Hinckley Road.

Reported.—Severn Navigation.

Petitions Presented. By Mr. Scholefield, Mr. Brotherton, Mr. M. Phillips, Mr. B. Wood, Mr. T. Duncombe, Mr. Cobden, and Mr. Villiers, from Birmingham, Salford, Wimbledon, Manchester, Southwark, St. James's, Clerkenwell, Great Yarmouth, Braintree, Stockport, and other places, for a Repeal of the Corn-laws; from Youghall, Guildford, Tipperary, and other places, for the Importation of Grain in preference to Flour; from Kinalea, and other places, against the Corn Importation Bill; from B. Baker, and others, for Compensation to Corn Inspectors; from Ballybacon, &c., against Reduction of Duty on Oats.—By Colonel Rushbrooke, and Mr. Hardy, from Colne, Hepworth, and Clare, against any further Grant to Maynooth College.—By Mr. Muntz, from Birmingham, against certain Portions of the Borough Improvements and Buildings Regulations Bills; and from Derby, in favour of said Bills.—By Lord M. Hill, from Bridgewater, and Evesham, against the Importation of Labourers into British India.—By Mr. O'Connell, from Leicester, and other places, for a Repeal of the Legislative Union.—By Dr. Bowring, from the Brewers of Bolton, that Brewers Casks may not be Liable to be Distrained for Rent.—By Sir C. Napier, for the Settlement of Portuguese Claims.—By Mr. E. Tennent, from Down, Waterford, and Dromore, in favour of the Marriages (Ireland) Bill.—By Mr. Gregory, from St. Mary's, Dublin, for Alterarion of the present System of Education in Ireland.—From Streatham, Epsom, and other places, for the Redemption of Tolls on the Metropolitan Bridges.—From H. Meggison, against the Railway Bill.—From Leamington, for Substituting Affirmations instead of Oaths.

Colonial Passengers Bill.] Lord *Stanley* having moved the Order of the Day for going into Committee on this bill, for the purpose of postponing it, said that he proposed to fix it for Monday next, in the hope that by that time he might be able to go into committee on the bill *pro forma*, for the purpose of inserting various alterations and amendments, which, at the suggestion of different parties, he intended to submit to the consideration of the House. It might be convenient also to state, as at this period of the year agreements were being made by persons in the emigration business, and intending emigrants, and as emigration might be materially affected by the passing of the bill, that he did not propose to have the bill come into operation so as to affect the emigration of the present spring. He would insert words to provide for its coming into operation at a period certainly not earlier than the 1st of June next.

Committee fixed for Monday.

Mr. *Hawes* understood that the noble Lord would only go into committee *pro forma* on Monday. He presumed the noble Lord would give notice of the day on which he intended to have the bill discussed in committee.

Lord *Stanley* was not even sure of being able to go into committee with the bill *pro forma* on Monday. If he should be able, it would be only for the purpose of inserting alterations and amendments; after which, the bill would be reprinted, and he would take care to give notice of the day on which he proposed to proceed further with it.

West India Bishoprics.] Sir *Charles Napier* asked the noble Lord, the Secretary for the Colonies, when he would proceed with his bill respecting the bishoprics of the West Indies?

Lord *Stanley* said, that not being aware of any other objection to the measure than that stated by the gallant Commodore, he would proceed with the bill according to the intention he had already stated.

Southampton Election.] Sir *G. Clerk* moved the following resolution: That the seat of Lord Bruce for the borough of Southampton has by law become vacant, he being now Earl of Elgin, a peer of the United Kingdom.

Mr. *C. W. Wynn* said, that he had no doubt as to the substance of the motion, but he thought it right that the House should have some authentic or efficient information of the death of the Earl of Elgin and of the elevation of Lord Bruce to the Peerage.

Lord *Stanley* said, he thought he could give his right hon. Friend the official information which he desired, inasmuch as there had been an order of council passed that day, directing him to prepare a warrant for Lord Bruce as governor-general of Jamaica.

Sir *G. Grey* said, he thought the House should be cautious not to establish a precedent which might lead to inconvenient results.

Major *G. Bruce* said, he could certify to the fact which was then the subject of discussion, having attended the funeral of the late Earl of Elgin.

Resolution agreed to.

AFFAIRS OF INDIA.] Mr. *S. Wortley* begged to put a question to the right hon. Baronet upon a subject to which it was impossible to allude without pain, and of such importance, that he believed it would account for the question he was about to ask. The subject to which he alluded, was the late melancholy disasters they had met with in the West of India. Intelligence had been received in this country from Cabool, stating that the garrison of the place were in circumstances of the most imminent danger. Reports had reached this country lately, that those circumstances had been followed by others still more alarming—that the garrison of Cabool had been utterly destroyed, and that the troops in Candahar had been cut off from all communication on that side, and that the troops at Jellalabad were in great danger. What he wished to ask from the right hon. Baronet was, such authentic information as Government might possess with regard to the correctness of the report. First of all, he wished to know what information had been received with respect to the unfortunate troops in Cabool? and secondly, what was the position of those in Candahar and Jellalabad, and what prospect of relief they had from the government of India.

Sir *R. Peel* said, that to the question put by his hon. Friend he could not give a very satisfactory answer, and although he had it in his power to do so, he doubted whether it would be consistent with his duty to answer some of the questions that had been put to him. But in a matter of such importance he would not hesitate to give the information which he possessed, and which, although not entirely official, might, he thought, be relied on. The latest accounts which had been received from the Governor-general of India were dated Calcutta, January 22, giving only an account of the scandalous and perfidious act by which Sir William M'Naghten had lost his life. No account subsequent to the despatch of February 1, from Bombay, had been received. Another account, not of an official nature, but of the correctness of which there could be little doubt, had been received in a letter from Dr. Reid, dated Peshawar, 16th of January. It spoke of a letter which was dated Jellalabad, the 13th, and from that letter, it was impossible to doubt, that her Majesty's troops had recently sustained great reverses. A capitulation, as far as it could be judged from the accounts, appeared to have been signed with the Affghan forces, and by an act, as it would appear, speaking, as he said before, from information not strictly official, but from accounts of which the credibility could hardly be questioned—by an act marked with a perfidy and treachery almost as gross as that by which Sir W. M'Naghten lost his life, the English troops were attacked three days afterwards, and had certainly sustained great loss; but, he trusted, that there was nothing in the accounts that had been received that ought to create dismay. Her Majesty's Government would take every measure, that it might be advisable to take to repair this partial disaster. Under the circumstances, he had no doubt Parliament would give her Majesty's Government its confidence and support, whatever might be the demands which they should feel it their duty to make, in order to repair the disaster that had occurred, and to satisfy the public in this country, in India, and throughout the world, that they were determined to spare no sacrifice in order to maintain their Indian empire.

Sir *J. C. Hobhouse* said, in the whole course of his life, he had never been so much gratified as by the statement just made by the right hon. Gentleman. He had no doubt, but that the Queen's Government would do its duty, and the assurance just made must tranquillise all those unnecessary alarms which had before existed, and for which there would not now be a pretence for existing in the mind of any right thinking man. The right hon. Gentleman was right in saying, that this House would stand by the Queen's Government on this occasion. So far from party feeling prevailing, the House would see, that it had nothing to do but to exert itself to the utmost to repair the disaster that had occurred, but which he, at the same time, thought had been much exaggerated.

FINANCIAL STATEMENT—WAYS AND MEANS.] Sir G. Clerk moved the Order of the Day for the House to go into Committee of Ways and Means, and

The Speaker having left the Chair,

Sir *R. Peel* rose and spoke as follows:—Sir, as the House has now sanctioned the votes that her Majesty's Government considered it their duty to propose for the maintenance of the chief military establishments of the country, I rise to redeem the pledge I gave some time back, that

I would avail myself of the earliest opportunity, consistent with parliamentary usage and the public interest, to develope the views of the Government with reference to the financial and commercial policy of the country. No one can feel more than I do the importance and the extent of the duty that devolves on me. No one can be more conscious than I am how disproportionate are my intellectual powers to the proper performance of my task; but, Sir, I should be unworthy of the trust committed to me—I should be unfit to stand here in my place as the Minister of the British Crown—if I could feel disheartened or discouraged—if I could entertain anything but composure and contentedness of mind—anything, I may say, but that buoyancy and alacrity of spirit which ought to sustain every public man when entering upon the discharge of a great public duty; conscious that he is actuated by no motives that are not honourable and just, and feeling a deep and an intimate conviction, that according to the best conclusion of his imperfect and fallible judgment, that which he intends to propose will be conducive to the welfare, I may say, essential to the prosperity of the country. Sir, from some of the embarrassments which often accompany a financial statement of this kind, I am free. It is sometimes necessary, on such occasions, to maintain great reserve, and to speak with great caution. A due regard for the public interest may impose on a minister the duty of only partially disclosing matters of importance. But I am hampered by no fetters of official duty. I mean to lay before you the truth—the unexaggerated truth, but to conceal nothing. I do this first, because in great financial difficulties the first step towards improvement is to look those difficulties boldly in the face. This is true of individuals—it is true also of nations. There can be no hope of improvement or of recovery, if you consent to conceal from yourselves the real difficulties with which you have to contend. I have another motive also, for making a full and unreserved disclosure. It is my intention, on the part of the Government, to undertake the responsibility of proposing that which we believe essential to the public interests. With you will rest the responsibility of adopting or rejecting the measures which I propose, and it is therefore fitting in order that you may be enabled properly to perform the duty which you owe to the country, that you should have before you every information—every element which is necessary for the formation of a full and impartial judgment. Sir, I have but two requests to offer to the House before I enter on my statement. The first is, that they will bear in mind that from the period when I bring forward my financial statement I am labouring under some special disadvantages. I speak particularly with reference to the estimates which I may form of the probable revenue of the country. I have considered it to be my duty not to wait until the supplies have been voted—until the financial accounts of the year have been closed. If, hereafter, in my estimates, formed as they shall be with every desire that they should be just and accurate, I should have been found to have been mistaken, I trust the House will bear in mind that I am labouring under disadvantages to which others have not been exposed. Another request which I shall make is, that the House will have the goodness to postpone its judgment until I shall have laid before it the whole plan of the Government—that they will not judge hastily on a partial development of my views—that they will not hastily pronounce that what I may propose is an insult to the country—or, if I affect any particular interest, that I shall not therefore be given out as proposing something that is perfectly unreasonable and unjust. I earnestly hope that every man, bringing to the consideration of this subject a full sense of our real, but not insuperable difficulties, will postpone his judgment until he has before him the whole of the plan which I shall propose. I shall now proceed, Sir, in the ordinary manner to state the facts with reference to the finances and expenditure of the country; and, in the first instance, I have to refer to the estimate which was formed by the right hon. Gentleman, the late Chancellor of the Exchequer (Mr. F. T. Baring) with respect to the probable revenue and expenditure of the country in the year ending the 5th of April, 1842. Sir, events have proved that that right hon. Gentleman's estimate was as nearly correct as it is possible for an estimate to be. I think the right hon. Gentleman calculated that the income of the country might be expected to realise the sum of 48,310,000*l.* He calculated the expenditure for the same period, that is, for the year ending April 5, 1842, at 50,731,000*l*. There were some slight variations afterwards made in the votes, which, of course, the right hon. Gentleman could not foresee at the time when he was speaking. There was a supplementary vote taken for, I think, the Ordnance estimates, in the first Session of the present Parliament. I think there was also a vote omitted, that, namely, for the Caledonial Canal; but the amount of the difference made by these changes was so small as to be hardly worth referring to. Of course, it is impossible to say, at this moment, whether the right hon. Gentleman's estimate is perfectly correct or not, because a portion of one quarter of the year is not yet closed. The actual produce of the revenue from April 5, 1841, to February 26, 1842, was 43,730,000*l*. If you estimate that the receipts for the current quarter of the present year will be equal to the receipts of the current qnarter of last year, you must add to the actual receipt the sum of 4,323,000*l*. Consequently the revenue will amount, on the 5th of April, to 48,053,000*l*., being less than the amount estimated by the right hon. Gentleman by 160,000*l*. On the other hand, the actual expenditure was not quite so great as that which he estimated, or rather will probably not be so great, and consequently his estimate, which took the expected deficit at 2,421,000*l*., will probably, on the whole, I think, exceed the actual amount of the deficit. The actual amount of the deficit for a year will, I think, be 2,334,000*l*., speaking, as I said before, from estimate only with respect to the last quarter, but giving the best estimate I can form of the probable amount of the deficiency for the present year. The deficiency, therefore, for the current year we may assume to be about 2,350,000*l*. I now proceed to estimate the income for this year, which will end on the 5th of April, 1843. I take the Customs for the ensuing year at 22,500,000*l*. The Excise, on account of the unfavourable season for malting, I am afraid we cannot take at a higher sum than 13,450,000*l*. Supposing there is a favourable harvest, that will have a tendency to increase the Excise revenue, but it has also a tendency to diminish the amount of the revenue you derive from the importation of foreign corn. With an unfavourable harvest, if your Excise is diminished in amount, then there will be some compensation to be expected from the import duty on foreign corn. I will take the Customs, then, for the year ending April 5, 1843, at 22,500,000*l*.; the Excise at 13,450,000*l*.; the Stamps at 7,100,000*l*.; from the Taxes I expect to obtain 4,400,000*l*.; the Post-office, I think, may probably yield 500,000*l*.; the produce of the Crown lands I take at 150,000*l*., and the other miscellaneous items of revenue at 250,000*l*., making a total of estimated revenue for the year ending the 5th of April, 1843, of 48,350,000*l*. The expenditure, now that the House has sanctioned the votes for the army and navy, can be estimated with greater accuracy. The interest on the debt will be 24,627,000*l*.; terminable annuities, 4,076,000*l*.; the interest on Exchequer-bills, 722,000*l*., making the whole charge on account of debt, 29,427,000*l*. The other charges on the consolidated fund I will take, including the civil list 390,000*l*., at 2,368,000*l*. The field I have to travel over is so extensive, that perhaps it will be better that I should omit mentioning the various items. The total charges on the consolidated fund, therefore, will be 31,795,000*l*. The vote for the army, if ultimately sanctioned by the House, will be 6,617,000*l*.; that for the navy will be 6,739,000*l*.; that for the Ordnance, 2,084,000*l*.; the miscellaneous charges on the annual grants by Parliament will be 2,800,000*l*.; the vote on account of Canada, which is to be expended on the clothing of the volunteers, will be 108,000*l*. I think it was understood that, when that charge should cease, a corresponding sum should be expended on fortifications. I therefore take it at 108,000*l*. I will take the charge for the expedition to China, upon the whole, at 675,000*l*. for the present year. That vote consists of two parts, which I will state to the House. 175,000*l*. will be required to defray the arrears of expenditure for the current year, and a sum of 500,000*l*. to meet the charge which it will be necessary to provide for by actual vote during the year ending April 5, 1843. The total amount, therefore, of the estimated expenditure of the country will be 50,819,000*l*. The general result then is, that the expenditure for the year ending April 5, 1843, will be 50,819,000*l*., and the estimated income will be 48,350,000*l*., making a probable deficiency of 2,469,000*l*. But that deficiency is upon the votes of the year—upon the expenditure which it will be necessary to provide within the year. To that deficiency ought to be added the actual charge which may be incurred on account of the hostilities carried on with China. I do not contemplate that it will be necessary to provide within the year more than 500,000*l.*, but he would form a very inadequate estimate of the probable cost of that expedition who should think that the total expense will be limited to that sum of 500,000*l.* Sir, the expense of our expedition to China stands thus:—The arrears of the sums that were due to the East India Company on the 30th of April, 1841, were 708,000*l.* A grant was made in the Session of 1840, of 173,000*l.* That left the arrears of former years to be provided in 1841 at 535,000*l.* The estimate of the expenditure to the 1st of April, 1842, was 658,000*l.*, making the total charge of April, 1842, 1,192,000*l.* There have been applied to that charge the grant of Parliament which was made for the Session of 1841, and which amounted to 400,000*l.*; and there has also been applied in India money derived from the ransom paid for Canton to the amount of 618,000*l.* I have, therefore, to set off for the whole of 1841, against the charge of 1,192,000*l.*, actual payments to the amount of 1,018,000*l.*, leaving the arrears to be provided for at present 175,000*l.* Looking to the extent of the preparations which have been made for the continuance, and, I trust, the completion, of the hostilities with China, I do not think I can safely estimate the cost for the year ending the 5th of April, 1843, at much less than 1,400,000*l.* or 1,500,000*l.*, for 500,000*l.* of which we make provision in the present year. But let us take the whole cost at 1,300,000*l.*, that is the lowest sum we can fairly take, there will then be a deficiency, some time or other to be provided for, of not less than 800,000*l.* Therefore, to my estimated deficiency of 2,470,000*l.*, in the sum to be provided for the general service of the year, you must add the probable demands which may be made upon you to the extent of 700,000*l.* or 800,000*l.* In addition to this, there may be demands for Australia and other colonies, that may possibly amount to the sum of 100,000*l.* I do not take into account the charge which will probably be necessary on account of Canada—it is not a charge exactly, but I think there was an engagement that we should give the aid of our credit to Canada for a loan of 1,500,000*l.* But that, I apprehend, is altogether independent of actual charge; and I think that, under the circumstances, we should not be disinclined to support the credit of Canada by that of this House. At the same time it is right, that the whole extent of our engagements should be placed fairly before the country. In addition to all this, those events of which we have had recent cognizance, as having occurred in Affghanistan, may, and so far as I can form a judgment, will impose upon her Majesty's Government the necessity of calling on Parliament to sanction, perhaps, a considerable increase in the army estimates. I think it not fitting that we should come to any hasty decision in the absence of official information; but I have already received a decisive proof that the Members of this House, the representatives of a great people, will be determined to make every effort which may be necessary for the purpose of repairing occasional or partial disasters, and vindicating the authority of her Majesty's name in India. Bear in mind, then, that to my estimate of the actual deficiency of 2,470,000*l.* for the general service of the year, and of the deficiency which must at some time or other be provided for on account of the expenditure in China, you must add the probable demand I may have to make for the increase of the military or naval establishments of this country, having regard to the position of affairs in the East. Sir, for the purpose of bringing before the House a full and complete view of our financial position, as I promised to do, I feel it to be my duty to refer to a subject which has of late occupied little attention in the House, but which I think might, with advantage to the public, have attracted more of their regard—I refer to the state of Indian finance, a subject which formerly used to be thought not unworthy of the consideration of this House. I am quite aware that there may appear to be no direct and immediate connexion between the finances of India and those of this country, but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it, if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country. Sir, I am sorry to say, that Indian finance offers no consolation for the state of finance in this country. I hold in my hand an account of the finances of India, which I have every reason to believe is a correct one; it is made up one month later than our own accounts—to the 5th of May. Some question may arise on the papers presented to Parliament with respect to the commercial assets of the Company, but I have every reason to believe this to be a true account of the position of Indian finances. It states the gross revenue of India, with the charges on it; the interest of the debt; the surplus revenue, and the charges paid on it in England; and there are two columns which contain the net surplus and the net deficit. In the year ending May, 1836, there was a surplus of 1,520,000*l.* from the Indian revenue. In the year ending the 5th of May, 1837, there was a surplus of 1,100,000*l.*, which was reduced rapidly, in the year ending May, 1838, to one of 620,000*l.* In the year ending the 5th of May, 1839, the surplus fell to 29,000*l.*; in the year ending the 5th of May, 1840, the balance of the account changed, and so far from there being any surplus, the deficit on the Indian revenue was 2,414,000*l.* I am afraid I cannot calculate the deficit for the year ending May, 1841, though it depends at present partly on estimate, at much less than 2,334,000*l.* The House, then, will bear in mind, that in fulfilment of the duty I have undertaken, I present to them the deficit in this country for the current year to the amount of 2,350,000*l.*, with a certain prospect of a deficit for next year to the amount of at least 2,470,000*l.*, independently of the increase to be expected on account of China and Affghanistan, and that in India, that great portion of our empire, I show a deficit on the two last years which will probably not be less than 4,700,000*l.* Sir, this is the amount of deficiency we have to meet (I mean, of course, only the part I have stated affecting this country); how shall that deficiency be supplied? We cannot escape the consideration of that question; and it is our duty, no doubt, before any proposition be made, to exhaust in consideration the modes by which that deficiency can be supplied. Shall we persevere in the system on which we have been acting for the last five years? Shall we, in time of peace, have resort to the miserable expedient of continued loans? Shall we try issues of Exchequer-bills? Shall we resort to saving-banks? Shall we have recourse to any of those expedients which, call them by what name you please, are neither more nor less than a permanent addition to the public debt? We have a deficiency of nearly 5,000,000*l.* in two years; is there a prospect of reduced expenditure. Without entering into details, but looking at your extended empire, at the demands that are made for the protection of your commerce, and the general state of the world, and calling to mind the intelligence that has lately reached us, can you anticipate, for the year after the next, the possibility, consistent with the honour and safety of this country, of greatly reducing the public expenses? I am bound to say I cannot calculate upon that. Is this a casual deficiency for which you have to provide a remedy? Is it a deficiency for the present year on account of extraordinary circumstances? Is it a deficiency for the last two years? Sir, it is not. This deficiency has existed for the last seven or eight years. It is not a casual deficiency. In the year ending the 5th of April, 1838, the deficiency was 1,428,000*l.* In the year ending the 5th April, 1839, the deficiency was 430,000*l.* In 1840 it was 1,457,000*l.* In 1841 the deficiency was 1,851,000*l.*; in 1842 I estimate the deficiency will be 2,334,030*l.* The deficiency in these five amounts to 7,502,000*l.*; and to that actual deficiency I must add the estimated deficiency for the year ending the 5th of April, 1843, 2,570,000*l.*, making an aggregate deficiency in six years of 10,072,000*l.* I am sure I shall not be blamed for adhering to my resolution, in making a full and unreserved disclosure of our financial situation. I do it, as I said before, because I am deeply impressed with the conviction that a full knowledge of the truth is the first step to improvement; and because I have that confidence in the resources, in the energy, and the wisdom of Parliament, that I cannot consent to avail myself of that miserable subterfuge of withholding any knowledge I may be able to communicate with respect to the financial difficulties of the country. Well then, Sir, with this proof that it is not with an occasional or casual deficiency that we have to deal, will you, I ask, have recourse to the wretched expedient of continued loans? Sir, I cannot recommend such a step. It is impossible that I could be a party to a proceeding which I should think might, perhaps, have been justifiable at first, before you knew exactly the nature of your revenue and expenditure; but with these facts before me I should think I was disgracing the situation I hold if I could consent to such a paltry expedient as this. I can hardly think that Parliament will adopt a different view. I can hardly think that you, who inherit the debt that was contracted by your predecessors, when having a revenue they reduced the charges of the Post-office, and inserted in the preamble of the bill a declaration that the reduction of the revenue should be made good by increased taxation, will now refuse to make it good. The effort having been made, but the effort having failed, that pledge is still unredeemed. I advised you not to give that pledge; but if you regard the pledges of your predecessors, it is for you now to redeem them. If, however, you are not bound by the pledges of your predecessors you are bound, I apprehend, by the engagement which you yourselves have contracted. Almost the first vote you gave after the election of the present Parliament was the adoption of a resolution that it was impossible to permit that state of things to continue which presented constant deficits of revenue. Parliament assured the Crown that they would without delay apply themselves to the consideration of finance, and would adopt some measures for the purpose of equalizing revenue and expenditure. I apprehend, therefore, that with almost universal acquiescence I may abandon the thought of supplying the deficiency by the miserable device of fresh loans, or an issue of Exchequer-bills. Shall I then, if I must resort to taxation, levy that taxation upon the articles of consumption, upon those articles which may appear to some superfluities, but which are known to constitute almost the necessaries of life. I cannot consent to any proposal for increasing taxation on the great articles of consumption by the labouring classes of society. I say, moreover, I can give you conclusive proof that you have arrived at the limits of taxation on articles of consumption. I am speaking now of articles of luxury which might be supposed not to constitute the consumption of the laborious classes, and I advise you not to attempt taxation, even upon those articles, for you will be defeated in your expectations of revenue. The right hon. Gentleman opposite (Mr. F. Baring), attempting to redeem the pledge which had been given by Parliament to repair the deficiency which was caused by the defalcation of the Post-office revenue, proposed in 1840 that 5 per cent. additional duty should be laid on the articles of Customs and Excise, and 10 per cent. additional on the assessed taxes. [*Noise.*] I am much obliged to the House for the patience with which they listen to me, and feel sorry to trouble them with these details, but I do think them necessary parts of the statement I have to make. The net produce of the Customs and Excise, in the year ending the 5th January, 1840, after deducting drawbacks and repayments, was 37,911,000*l.* And here I must observe, that I am now merely exhausting the different means by which men might contemplate the supplying of the deficiency, and trying to show that increased taxation upon any articles of consumption will not afford relief. I wish to carry your judgment along with me. I said that the net produce of the Customs and Excise in the year ending the 5th January, 1840, was 37,911,000*l.*, and the estimated increase in the Customs and Excise by the additional 5 per cent. was 1,895,000*l.* Comparing, therefore, the income from Customs and Excise in 1840 with that in 1842—and I take 1842 in preference to 1841, because you can thus more fairly estimate the effect of the increased duty. I find while the estimated produce of the Customs and Excise was 39,807,000*l.*, the actual produce was only 38,118,000*l.*, the actual increase being, instead of 1,895,000*l.*, only 206,000*l.*; not 5 per cent. increase in the amount of revenue, but little more than one half per cent. realised in the attempt to impose 5 per cent. additional duty. In the depression of trade there may, undoubtedly, be circumstances sufficient to account for the expectations of the right hon. Gentleman not having been realised, but still, making every abatement for these causes of decrease, I think it impossible not to admit that 5 per cent. increase of duty on articles of consumption would not produce 5 per cent. in net amount to the revenue. At the same time the right hon. Gentleman's estimate with respect to the produce of the assessed taxes was fully realised. I know it may be said that full time has not been given for notifying the intention to discontinue some articles partaking of the nature of assessed taxes; but, on the whole, I think we may disregard that circumstance, for although the notice of such discontinuance may not have taken full effect, yet the inference, I think, may be fairly drawn, that the right hon. Gentleman did not overdraw his estimate. The net produce of assessed taxes in 1840 was 2,758,000*l.*; the 10 per cent. additional being 275,000*l.*, the estimated produce was 3,034,000*l.*; but the actual produce of the assessed taxes, including the additional 10 per cent. for the year ending the 5th of January, 1842, very far exceeded the right hon. Gentleman's estimate; for, instead of realising only 3,034,000*l.*, as he calculated, 3,500,000*l.* was realised. From this perhaps I should make an abatement on account of the survey of windows. That new survey of windows produced an increase in the revenue of 430,000*l.*; consequently the increase in assessed taxes alone ought perhaps to be diminished to something like that amount; but still, if you make that abatement, you will find that the right hon. Gentleman's estimate was verified—there was an increase in the assessed taxes to the full amount he calculated, the increase being 311,000*l.*, or 11½ per cent. was produced by the nominal imposition of 10 per cent. additional duty. I compare these two results—I compare the complete failure of the taxes on consumption, and the complete justification of the taxes upon something analogous to property. I find in the one case the estimate was verified, I find in the other it was disappointed. These are the results I feel it my duty to bring before the committee; but my immediate object was to adduce a proof that you had arrived, for purposes of revenue, at the limits of taxation upon articles of consumption. Then I say, making abatements on account of the depression of trade, I do not think any man can resist the conclusion which I draw, that to lay 10 per cent. additional on Customs and Excise will end in nothing but failure and disappointment. I have now discarded the notions of supplying the deficiency by incurring fresh debt. I have attempted to carry your conviction with me, while I have endeavoured to show that I cannot look to taxation on articles of consumption. Now, it is possible to resort to other expedients. Shall I revive old taxes that have been abolished, or impose new ones? Shall I restore the old postage duties? I do feel it to be necessary that you should adhere, not to the contract you have enter d into, but to observe the request I made at the commencement of my address—that you should suspend your judgment until you have heard the entire of my plan. I must deal with each of these questions step by step. What I ask is, that you should not condemn any individual proposition until you can judge of it in relation to the whole. Never doubting the social advantages of the reduction of the duty in postage, thinking that the duty as it existed was too high, and might fairly admit of reconsideration and reduction, I did nevertheless deprecate, in the then state of the finances, the reduction which took place to 1*d.* upon all letters. I do believe, if it were necessary, I could show to you that from the post-office you do not receive one farthing of revenue. If you will add the charge of the packets to the other expenses of the post-office, the account which will be presented to you will show a deficit in the revenue of the post-office. But when I state that, I do not undervalue the importance of the reduction in a moral and social point of view. I will not say, speaking with that caution with which I am sometimes taunted, but which I find a great convenience—I will not say that the post-office ought not to be a source of revenue. I will not say that it may not fairly become the subject of discussion; but I will say this, that I do not think the recent measure has had a complete and full trial; and I am so sensible of the many advantages which result from it, that I cannot recommend that in the present year we should attempt to alter it. I say again, notwithstanding all the taunts to which I have been exposed during the last month in consequence of my proposal in respect to the Corn-laws, that no man can feel a more intimate conviction than I do, that whatever be your financial difficulties and necessities, you must so adapt and adjust your measures as not to bear on the comforts of the labouring classes of society. My conviction further is, that it would not be expedient, with reference to the narrow interests of property, that that should be done. Well then, Sir, I must, with my sense of public duty, abandon the hope of realising in the present year any revenue from the post-office. Shall I revive the taxes which were laid upon great articles of consumption, and which were very productive? Shall I revive the taxes upon salt, upon leather, and upon beer? With respect to leather, for instance, I do not know that the reduction took place with perfect wisdom; I am very much afraid that the full amount of the reduction was not carried to the account of the consumer. I believe you omitted to take a step which you ought to have adopted concurrently with the reduction of the duty on leather—namely, to reduce the duty on the import of foreign hides. I am afraid you reduced the duty on leather in favour of a monopoly, and without benefit to the consumer. But the question is not now whether we shall reduce an existing duty; the question is whether we shall revive a duty that has been abolished, and on the faith of the abolition of which various contracts, numerous commercial and manufacturing arrangements, have been made. If I take the case of salt, for instance, I find that, since the reduction of duty, salt has been consumed in a variety of ways, in which its use was never before contemplated. On account of chymical discoveries and improvements, in consequence of the application of science to manufactures, salt now enters into a variety of products. The ground upon which the abolition of the duty was strongly urged was, the importance of facilitating the supply of salt to the working classes; but, independently of their consumption, in my opinion it would be unwise to revive the duty on this article, on account of its extensive use in manufactures. There might be a danger of interfering with manufacturing industry, which would greatly check its prosperity; there would be a necessary system of drawback on account of the salt consumed, which would lead to opportunities of evasion and fraud, and increase the necessity for larger excise establishments. I don't think, I need argue, therefore, against the revival of the duties on salt, leather, or beer. Shall I, then, resort to locomotion for the purpose of finding a substitute? Shall I increase the taxes on railways? I confess nothing but a hard necessity would induce me to derive revenue from locomotion. In the present state of this country, when it is a great object to facilitate the transfer of labour, and to enable those to whom labour is capital to bring it to the best market—seeing the immense social advantages which result from the freedom of communication, not perhaps immediately visible, but still not the less real, I should contemplate with great reluctance and regret, the necessity of increased taxation upon railroads. Again, gas has been suggested as a proper object of taxation. I must say, I should be also unwilling to add to the taxes on gas. I range the taxes on locomotion and the taxes on gas-lights, on the same category with the taxes on salt—not that the same principle is exactly applicable: but I freely own, seeing the deficiency I have to supply, I should be unwilling to look for revenue either from locomotion or gas-lights. Shall I, then, look for any portion of this deficiency to any of those miserable dribblets of taxation which occupy the attention of provincial Chancellors of the Exchequer? There are those who seem to have nothing else to do but to suggest modes of taxation to men in office, and as I tried to discourage the applications to me for foreign consulships, and had thought of advertising with reference to Downing-street, I had no connection with the next door; I shall take this opportunity, with reference to these subjects of favourite occupation and amusement to those who in small communities turn their attention to financial affairs, and who fancy they have made some discovery that pretty nearly puts them on a level with Archimedes; when finding that piano-fortes, umbrellas, or such articles are not subject of taxation, they immediately suggest them to the Chancellor of the Exchequer, accompanied with a claim for a very large per centage on the ground of the novelty of their discovery and the certain success of its application,—I shall take this opportunity, of discouraging all such suggestions by assuring these volunteer financiers that men who are spending eight or ten hours a day in consideration of matters of finance are at least as likely to form an accurate judgment on such matters as those who suggest such pitiful propositions. There is another source, which adopting this process of exhaustion, I I must not forget, which was brought forward and urged upon the House by the late Government, and to which I feel it my duty to refer. Shall I then hope for the increase of revenue from diminished taxation? Before I apply myself to this point, let me remind you of the extent of your deficit, the amount of the sum to be provided for, and the proof I have offered you that it is not an occasional or casual deficiency you have to make good. No one has greater confidence than I have in the ultimate tendency of reduction in taxation on the great articles of consumption, if wisely managed; but after giving to this subject the fullest consideration, I have come to the complete conviction that it would be mere delusion to hope for supplying the deficiency by diminished taxation on articles of consumption. I have a firm confidence that such is the buoyancy of the consumptive powers of this country, that we may hope ultimately to realise increased revenue from diminished taxation; but a long period must elapse before this end is attained, and I feel confident that the adoption of any plan like that proposed by the late Government, or the adoption of any other plan for raising revenue by means of diminished taxation, would not afford any immediate relief, or provide any resources on which we might rely for supplying the deficiency of the revenue. I have looked with considerable attention to the effect produced by a reduction of taxation upon articles of considerable consumption, and I do perceive that in many cases that elasticity which gives, after the lapse of time, increased revenue, but in almost every instance—in all, I believe, without exception, the space of time which elapses, after reduction of taxation, before the same amount of revenue is realised, is very considerable. Let us take the case of wine. In 1825, the revenue derived from wine was 2,153,000*l.* The duty was reduced from 9*s.* 1¼*d.* to 4*s.* 2½*d.* the gallon; and in the next year after the reduction of the duty there was a falling-off of the duty from 2,100,000*l.* to 1,400,000*l.* In the next year, the duty amounted to 1,600,000*l.*; in the subsequent years to 1,700,000*l.*, 1,400,000*l.*, 1,500,000*l.*, and the duty has never since realised its former amount. Upon tobacco, the duty was reduced from 4*s.* per lb. to 3*s.* per lb. Previous to the reduction of the duty, the revenue derived from tobacco amounted to 3,378,000*l.*; and immediately after the reduction, there was a falling off. It fell from 3,300,000*l.* to 2,600,000*l.*, then it rose to 2,800,000*l.*, and in the following years realised 2,700,000*l.*, 2,800,000*l.*, 2,900,000*l.*, and again, 2,900,000*l.*; but the duty on tobacco has never recovered its former amount. The case generally relied on as showing the advantage of a reduction of duty on articles of consumption, is that of coffee. The duty on coffee was diminished from 1*s.* per lb. to 6*d.* per lb. This was in 1824, when the revenue received from coffee amounted to 420,000*l.* In the next year after the reduction the amount of duty fell to 336,000*l.*, then to 399,000*l.*, and in the third year the duty recovered itself, and has gone on advancing Still, even in this instance of coffee, which is by far the most favourable case, a period of three years elapsed before the full amount of duty was realised. The duty on hemp was reduced from 9*s.* 2*d.* per cwt. to 4*s.* 8d. At the time of the reduction, the revenue derived from hemp was 236,000*l.*, and since then hemp has never yet paid but half that amount of duty. In the case of rum, there was an increase of revenue after the reduction of duty from 12*s.* 7*d.* per gallon to 8*s.* 6*d.* The duty on sugar was reduced from 27*s.* per cwt. to 24*s.* At the time of the reduction, the revenue derived from sugar amounted to 4,896,000*l.*; it then fell to 4,600,000*l.*, to 4,300,000*l.*, and then rose to 4,500,000*l.*, and it has never since paid the same amount of duty. I do not think I need go through the whole of the articles in detail in which a reduction of duty has taken place. In addition to tobacco, hemp, sugar, and the articles I have mentioned, the duty was also reduced on glass, beer, soap, paper, on newspapers and advertisements; but I think, I need not refer to all these articles in detail. In many of these cases, there has been no considerable reduction of the amount of duty, but, with the exception of coffee, which realised the full amount of duty in the third year after the reduction, and rum, there is not a single article the duty on which has recovered itself within a period of five or six years after a considerable reduction. Therefore, on this ground, I am led to believe, that with respect to the present deficiency of the revenue, which it is necessary to supply, you cannot look to that supply from a mere reduction of duty upon articles of consumption; and if you resort to that as the only means of supplying the deficiency, you must make up your mind to continue the system, which I thought you were ready to abjure, of having recourse to loans and those other devices I have before alluded to, for the purpose of making up the deficiency. I trust that I have—I will not say, convinced you that none of those measures ought to be adopted, but that, at any rate, I have clearly explained the grounds on which I cannot be a party to their adoption. I will now state what is the measure which I propose, under a sense of public duty, and a deep conviction that it is necessary for the public interest; and impressed at the same time, with an equal conviction that the present sacrifices which I call on you to make will be amply compensated ultimately in a pecuniary point of view, and much more than compensated by the effect they will have in maintaining public credit, and the ancient character of this country. Instead of looking to taxation on consumption,—instead of reviving the taxes on salt or on sugar,—it is my duty to make an earnest appeal to the possessors of property, for the purpose of repairing this mighty evil. I propose, for a time at least, (and I never had occasion to make a proposition with a more thorough conviction of its being one which the public interest of the country required)—I propose, that for a time to be limited, the income of this country should be called on to contribute a certain sum for the purpose of remedying this mighty and growing evil. I propose, that the income of this country should bear a charge not exceeding 7*d.* in the pound; which will not amount to 3 per cent, but speaking accurately, 2*l.* 18*s.* 4*d.* per cent; for the purpose of not only supplying the deficiency in the revenue, but of enabling me with confidence and satisfaction to propose great commercial reforms, which will afford a hope of reviving commerce, and such an improvement in the manufacturing interests as will re-act on every other interest in the country; and, by diminishing the prices of the articles of consumption, and the cost of living, will, in a pecuniary point of view, compensate you for your present sacrifices; whilst you will be, at the same time, relieved from the contemplation of a great public evil. [*Interruption, and cries of* "*Order!*"] I hope hon. Gentlemen will allow me to make the statement I have yet to lay before the House uninterruptedly. In 1798, when the prospects of this country were gloomy, the Minister had the courage to propose, and the people had the fortitude to adopt, an income-tax of 10 per cent. The income-tax continued to the close of the war in 1802; and in 1803, after the rupture of the peace of Amiens, a duty of 5 per cent was placed upon property. It was raised in 1805 to 6¼ per cent, and in 1806 again to 10 per cent; and so it continued to the end of the war. I propose that the duty to be laid on property shall not exceed 3 per cent, or, as I said before, exactly 2*l.* 18*s.* 4*d.*, being 7*d.* in the pound. Under the former tax, all incomes below 60*l.* were exempt from taxation, and on incomes between 60*l.* and 150*l.*, the tax was on a reduced rate. I shall propose, that from the income-tax I now recommend all incomes under 150*l.* shall be exempt. Under the former income-tax, the amount at which the occupying tenants were charged, was estimated at three-fourths of the rent. It is admitted, I believe, that to calculate the profits of the tenants at the three-fourths of the rent, was too high an estimate. I propose, therefore, that in respect of the occupying tenant, the occupation of land shall be charged at one-half, instead of three-fourths of the rent. I believe this to be a perfectly fair reduction, and it was contemplated in 1816, when Lord Bexley proposed the renewal of the income-tax. I believe it to be a perfectly fair reduction, inasmuch as rents have increased in reference to the value of land in a proportion to justify it. I propose, for I see no ground for exemption, that all funded property, whether held by natives of this country or foreigners, should be subject to the same charge as unfunded property. This is the nature of the proposition which it is my intention, with the full and unanimous concurrence of my Colleagues, and with the deepest conviction on our parts that is wise and necessary, to submit to the House. Of course, the House will call on me for some estimate; the best I can form of the probable produce of this tax. I am sure that every Gentleman will admit that the means of forming an estimate are imperfect, but I will give the best I can make, and state as clearly as I can the grounds on which it is based. In 1814, which is the last year in respect to which we have returns, the income in Great Britain, assessed to the property-tax, was 170,000,000*l.* The property on which the income-tax was assessed, was comprised in five different divisions or schedules. The schedule distinguished by the letter A contained the property which was derived from land. It was divided into three classes:—the rent of land, the rent of houses, and the rent derived from tithes, quarries, mines, canals, and other similar descriptions of property. The property classed under the rent of land, in respect of which a duty was imposed, amounted to 39,400,000*l.* The rent of houses equalled 16,260,000*l.*; the profits from tithes, &c., 4,470,000*l.*; making a total value of the property derivable from lands of 60,130,000*l.* Schedule B contained the rent of land in respect of occupation by occupying tenants; and the amount of income on which the duty was imposed equalled 38,396,000*l.* Schedule C contained the income from public funds and similar securities, amounting to 30,000,000*l.* Schedule D contained the profits of trades and professions, amounting to 38,310,000*l.*; and schedule E the income of public officers, amounting to 11,744,000*l.* Now, I will in the first place deal with schedule A. As I said before, the rent of land is there stated at 39,400,000*l.* Now, I cannot doubt that the return of peace and the cessation of war prices must have had a considerable effect in reducing the rental of land; and, taking into consideration the effect of the restoration of the currency, the rental of land may probably at first have fallen far below that amount; but still, when I look at the improvement which agriculture has received from mechanism, and the effect of the application of science to land, I cannot but entertain a conviction that the present rental of land must be equal to the rental in the year 1814. I will, therefore, assume that the rental of land is at present equal to what it was in 1814; and put it down at 39,400,000*l.* The rent of houses in 1814, equalled 16,260,000*l.* I presume I am acting in accordance with the general opinion of this House in entering into these details. In 1814 the number of houses was 2,231,000.; in the present year the number has increased to 3,460,000. If the increase of rent be proportioned to the increased number of houses, I shall be justified in estimating the amount of income derived from the rental of houses at 25,000,000*l.* There is another principle on which I can form my calculation. I can take a proportion of rental which was valued to the house-tax, and compare it with the valuation for the purpose of the property-tax in 1814, and I find very nearly the same result. A calculation founded on the relation which the charge to the house-tax bore to the charge to the property-tax will give a present income of 25,000,000*l.* Forming an estimate, therefore, in either way, I calculate the present rental of houses at 25,000,000*l.* With respect to tithe, little doubt comparatively exists. As far as I can learn, from the information of the tithe commissioners, the amount of tithe is 3,500,000*l.* I find that the dividends, as far as I have been able to ascertain the fact, of railway companies, canals, and other property of a similar nature, amount to 3,429,000*l.* I do not think that the annual profits derived from mines and iron-works are more than 1,500,000*l.* Adding these three last mentioned sums together, the result is a total of 8,400,000*l.* I will now recapitulate the estimate of property in schedule A. I calculate the rent derivable from land at 39,400,000*l.*, the rent of houses at 25,000,000*l.*, tithe, railway shares, and mines, and other property of the same description, at 8,400,000*l.*, which gives a total income in respect to which a tax is proposed to be imposed (subject to a limitation I shall presently mention) of 72,800,000*l.* I propose, however, that all incomes under 150*l.* shall be exempted from the tax. This is an immense deduction, being not less than one fourth of the total of the accessible property. Deducting that one-fourth, the produce of the tax on the species of property included in schedule A will be 1,600,000*l.* Schedule B is the rent of lands in respect of occupancy. The sum assessed in 1814 was 38,396,000*l.*, but in that year the value of tenants' occupancy was assumed to be three-fourths of the rent; whereas I take it at one-half of the rent. I assume, then, the rent of land which I can touch by my assessment, in the first instance, to be reduced to 26,000,000*l.*, on account of that reduction from three-fourths to one-half. Then I must apply another exemption, namely, all tenants who derive profits less than 150*l.* a year. On that account I must make a further reduction; so that, upon the whole, I cannot calculate upon a greater amount of duty than 150,000*l.* from occupying tenants. The effect of this will be, as I calculate the profits at one-half, that a tenant who pays a rent of less than 300*l.* a year will be exempt from this tax, unless indeed he has other sources of income. I now come to schedule C. Schedule C comprises income from public funds and securities. The capital assessed under this head in 1814 was 30,000,000*l.* The payments in the year 1814 for dividends and interest of public funds and securities amounted to 29,400,000*l.* I think there cannot be a question that I ought to deduct the whole amount of payments on account of saving-banks. I must, therefore, on that account, make a deduction of 1,000,000*l.*, which will give me a net income assessable to the property-tax from the public funds of 28,400,000*l.* To that I must add for the dividends on Bank Stock, India Stock, and Foreign Stock, the dividends of which are payable in this country, an amount of 1,500,000*l.*, making a total amount of very nearly 30,000,000*l.* for the amount of payments in the year 1841. But again I must apply a deduction on account of all exempted incomes of less than 150*l.* a year. I deduct one-fourth on that account, and the estimated produce of the property-tax, arising from public funds and securities, is 646,000*l.* Schedule D, in 1814, contains income derived from the profits of trades and professions. Here it is exceedingly difficult to form an estimate which shall approach the truth. I find that the total exports and imports in 1814, compared with the total exports and imports in 1841, were in the ratio of 86 to 138; but the declared value of those exports bears only a ratio of 45 to 51. The quantity of British shipping, however, employed in commerce in the year 1814 was 1,990,000 tons, and in 1841 it was 3,292,000 tons. From this I cannot form an estimate upon very satisfactory grounds; but I think that the income derived from trades and professions in the present year cannot be far short of 56,000,000*l.* I deduct one-fourth on account of exempted income, and the produce of the tax upon the whole I calculate at 1,220,000*l.* Schedule E contains the income of all public officers. In 1814 the income of all public officers amounted to 11,744,000*l.* On account of the great reductions in our establishments which have taken place, a very great deduction must be made from the income of public officers. I do not think it could be safely estimated at more than 7,000,000*l.*, instead of 11,744,000*l.* I again must deduct one-fourth for exemption; that leaves as assessable a sum of 5,250,000*l.*, and the produce of the tax 155,000*l.* I will recapitulate the total estimated amount of duty from the application of a tax which I will take at 3 per cent., for the purpose of keeping the subject clear. Under

	£
Schedule A I calculate upon deriving	1,600,000
Schedule B	150,000
Schedule C	646,000
Schedule D	1,220,000
Schedule E	155,000
Making the total aggregate estimated receipts	£3,771,000

I will now state what are the views of her Majesty's Government with respect to the duration of this duty, if it shall meet with the sanction of the House. I trust that Parliament will confirm the duration I am about to propose; and I trust that Parliament would not be unwilling, in case of necessity, to continue the duration of this tax for a period of five years. But still there may be, as there have been before, and of which I do not despair, those revivals of commercial prosperity, coupled with the measures which I am about to propose, that may make Parliament naturally anxious to have an opportunity of reconsidering the subject at an earlier period than that which I name; they may wish to have the opportunity of considering the operation of this tax at an earlier period than five years; and although I must contemplate the possibility, for public interests, of that duration, and although I trust that, in case the experiment should not be complete, Parliament would not hesitate to prolong it, yet I think, upon the whole, it is only just, in the first instance, to limit the experiment to a period of three years, in order to give Parliament an opportunity of continuing it at the end of that time, if necessary. I propose that it shall commence so that the 10th of October next shall be the first half year. I come now to consider a matter intimately connected with this, and of great importance just now, namely, the relation of Ireland to this country, with reference to this finance. In my opinion, if war should arise—I speak, of course, of some great European contest, calling upon this country to put forth all its energies—I will not hesitate to express my opinion, that in such a case Ireland ought to contribute, and I believe she would be desirous to contribute, her full share of the national expenditure. But when I am proposing a tax limited in duration in the first instance to a period of three years, and when the amount of that tax does not exceed 3 per cent., I must, of course, consider, with reference to public interests, whether it be desirable to apply that tax to Ireland. I must bear in mind that it is a tax to which Ireland was not subject during the period of the war; that it is a tax for the levy of which no machinery exists in Ireland. One advantage of the tax here is, that I can raise the amount at less charge than any other kind of tax. The machinery is complete; but Ireland has no assessed taxes; the machinery there is wanting, and I should have to devise new machinery for a country to which the tax has never been applied; and although I claim for Parliament the entire right to apply to Ireland this tax, if such necessities as we have seen should require it, yet in the state of society in Ireland there is something peculiar, which makes the devising of machinery for its collection matter of grave consideration. At the same time, as no part of the empire will be more benefitted by the reductions which I am about to propose than Ireland, and as Ireland is united with this country, I think Ireland ought to bear a fair proportion of the public charges, and of that increased revenue which I am about to raise. If I find the means of raising from Ireland any thing which might be considered of about an equivalent amount to that which she would contribute under an Income-tax, I should not be reluctant to raise that amount by other means. I think I can suggest two modes. [*Slight interruption.*] I have a very extensive theme to travel over, but I will not detain the House long, if you will favour me with as little interruption as possible. I can, I think, raise an amount very nearly equivalent to that, or perhaps quite, which Ireland would have to contribute by an Income-tax, perfectly consistent with the terms of the Act of Union, and without imposing any serious burden upon that country. I propose, in the first place, to levy a duty of 1*s.* a gallon upon spirits manufactured in Ireland, and I firmly believe that, by this means, a considerable revenue may be derived, not only without injury to the Irish distillers, and to Ireland itself, but with much positive advantage to them and to the country. I must shortly call the attention of the House to the state of the spirit duties. In England the duty upon spirits is 7*s.* 10*d.* a gallon; in Scotland the duty is 3*s.* 8*d.*; and in Ireland it is 2*s.* 8*d.* a gallon. If it were possible to equalize the spirit duties in the three countries, great advantage would result from it. It would be of the utmost advantage to place all articles of produce of the three countries—the three constituent branches of this great empire—upon precisely the same footing, and do away with all this system of duty and drawback on the intercourse of the three countries, which leads to great frauds, and operates most prejudicially; and I think I can say conclusively, that so far from Ireland deriving any advantage from the diminished rate of duty, it has had a very prejudicial effect upon her commerce. As I said before, the duty on spirit in Ireland is 2*s.* 8*d.* a gallon, and 3*s.* 8*d.* in Scotland. What is the consequence? The Scotch distiller exports his spirits in bond, and on landing it in Ireland pays the Irish duty of 2*s.* 8*d.* a gallon; but the Irish distiller has no corresponding advantage in exporting his spirits to Scotland; and he pays upon its arrival there 1*s.* duty on account of the increased duty in that country. The consequence is, that Ireland receives a large supply of spirits from Scotland, but sends no corresponding supply of spirits to Scotland. I cannot give a stronger proof of the evil that arises from different rates of duty applicable to different parts of the empire. Again, Ireland appears to have another nominal advantage on account of the drawback upon malt, but that, in fact, operates to the prejudice of Ireland. The Scotch distiller sends his spirits to England, but he has no drawback on account of malt, because the English distiller has none; but the Scotch distiller, in sending spirits to Ireland, has a drawback of 8*d.*, because the Irish distiller is entitled to a corresponding drawback. That again tells injuriously to the Irish distiller; and Ireland would itself derive a positive advantage, although paying a higher duty than at present, from equalizing the duty upon spirits between Ireland and Scotland. Of course it is desirable to consider what would be the probable amount of duty which I should derive from this change of the duty on spirits in Ireland. I believe that no one will deny that spirits are a fit subject for taxation, and that the limit to a tax on spirits is that rate at which it will yield the greatest revenue to the State. At any rate, it is no objection to a duty on spirits that it may encourage the consumption of other excisable articles of a less exciting and injurious nature.

The consumption of spirits in Ireland in the last year was 6,500,000 gallons. It increased very rapidly from the 5th of January, 1839, to the 5th of July, 1841, and with a surprising and most laudable constancy the people of that country, in the fulfilment of the engagement they have entered into, abstained from the consumption of that article. I am sorry however, to say, that the force of the temperance obligation appears to be relaxing in that country. It may have arisen from some other causes; but there has been an increase in the consumption of spirits from the 5th of July, 1841, to the present time. I have enquired most minutely into the probable effect which the increased duty of 1*s*. might have in encouraging that great evil—illicit distillation; but from the opinion of competent authorities upon this subject, whom I have consulted, I think that spirits in Ireland will bear a corresponding rise to the amount of duty on spirits in Scotland without any risk of diminishing consumption, or giving encouragement to illicit distillation. If that be so, if an additional duty of 1*s*. a gallon be paid, taking the annual consumption of spirits at what it is now, namely, 6,500,000 gallons, after deducting for some decrease in consumption and for an increased expense of supervision, I should hope to realize from spirits in Ireland an income of 250,000*l*. The other source from which I contemplate deriving an additional income from Ireland is making with the tax on spirits an equivalent for that which I should have hoped to derive from a property-tax, is a source perfectly legitimate, and in its effect will, to a certain extent, fall upon property. I propose, in respect to the great mass of articles, particularly with respect to all those which are connected with property, to equalize the stamp duties in Ireland with those in this country. At the present time the duties are the same upon newspapers, marine insurance, policies, protests, and foreign bills of exchange. I propose not to increase the stamp duties in Ireland in all cases, for I propose no addition to the rate of duty upon advertisements, or upon leases just fallen in. In each country, both in Great Britain and Ireland, I propose to make some reductions in the stamp duty. On charter parties in every part of the United Kingdom I propose a reduction from 35*s*. to 5*s*. I propose also to reduce the stamp duty on bills of lading in Great Britain and Ireland from 3*s*., the present amount to 6*d*. But I propose to raise Ireland to the English level, with respect to those stamp duties which affect property, and to make the contributions from Ireland equivalent to a contribution from a property-tax. I estimate that the equilization of stamp duties in Ireland to those of England, with the exception I have mentioned — namely, advertisements, which I do not propose to raise, is likely to produce 160,000*l*.; add that amount from the stamp duties to the 250,000*l*. from the spirit duties and the increased duty from Ireland will amount to 410,000*l*., and I have the most perfect conviction that that is wiser and better, and more just under present circumstances, than to devise new machinery, and impose a property-tax in that country. At the same time, with respect to absentees from Ireland, I propose that they shall be subject to the Income-tax as if their estates were in England. If they find the burden onerous they can throw it off by returning to their own country, and by spending their income on their estates, they may escape the levy I propose. But speaking of regular professed absentees, living and spending their incomes in this country, without any call of public duty, I think the income they derive from Ireland ought to be subjected to the same impost as incomes derived from England. Sir, there is one other duty I mean to propose. At present there is a duty imposed by law upon the export of coals in foreign ships of 4*s*. per ton. When that duty was imposed, it was the policy of the Legislature to encourage the employment of British vessels, and no duty was imposed on coal exported in British ships. Now, the operation of the reciprocity treaties, as no duty is levied on coals exported in British ships has been to exempt foreign ships from the duty which it was originally intended to levy on the export of coals, Sir, I must say I cannot conceive any more legitimate object of duty than coal exported to foreign countries. I speak of a reasonable and just duty, and I say that a tax levied on an article produced in this country — an element of manufactures—necessary to manufactures —contributing by its export to increase the competition with our own manufactures —I think that a tax on such an article is a perfectly legitimate source of revenue.

Sir, it is important to consider the rapid increase in the quantity of coal exported; in 1831 the quantity was 356,000 tons, the duty received being 50,000*l.*; in 1833, the quantity was 448,000 tons, the duty being 64,710*l.*; in 1839, the quantity was 1,192,000 tons; in 1840, 1,307,000 tons; but the realised income, instead of being, as in 1833, 64,000*l.*, was only in 1840, 6,900*l.*! Now, I do not intend to increase the duty. I wish not at all to prohibit the export of coals; but I propose that the duty at first intended to be levied on coals exported in foreign ships should be paid, and with this view I propose that the duty of 4*s.* per ton shall be levied on coal exported in British, as well as in foreign ships, thus removing the exemption which under the reciprocity system the foreign ships claim, and also removing all grounds of complaint. If the duty of 4*s.* shall be paid on the same number of tons as are now exported, I shall then derive an annual amount from this source of revenue of 200,000*l.*, not an inconsiderable increase of revenue, and operating, as few taxes do, to the encouragement of native industry. Now, Sir, having stated to the House all the new taxes I mean to propose, perhaps it may be convenient to the House that I should briefly review the total amount. Of course I am speaking of the year ending the 5th of April, 1843; as it is from the 5th of April, 1842, that I propose these taxes to commence with the exception of that on spirits, which (in order to avoid evasion) I must propose for adoption at the earliest possible period. Then, Sir, calculating with respect to the property-tax a receipt of 3,700,000*l.* (dealing only, now, with round numbers) —from the stamp duties equalization 160,000*l.*, from the increase of spirit duties 250,000*l.*, and from the duty on the export of coal 200,000*l.*, I make the total 4,310,000*l.* as the amount of annual estimated income derivable from the new imposts I propose. [Mr. *Labouchere* intimated across the Table that Sir Robert Peel had omitted an item of 70,000*l.*, to which the right hon. Baronet assenting, stated the amount then would be 4,380,000*l.*] Now, Sir, I must deduct from this amount the estimated deficiency on actual votes, for which, of course, I must provide—that I take to be 2,570,000*l.* leaving a surplus of 1,800,000*l.* But then the House will bear in mind that this deficiency arises on votes for the current year, and that there must be added the excess of expenditure on the China expedition, &c., which I cannot estimate at less than 800,000*l.* Whatever measures also it will be necessary for us to adopt in respect to India must be deducted from the estimate; but for the present, with these reserves, and subject to such additional deductions, I calculate on a surplus of 1,800,000*l.* after providing for the excess of expenditure on actual votes. Having that surplus, then, Sir, in what way shall we apply it? I propose to apply it, namely, in a manner which I think will be most conducive to the public interests, and most consonant with public feeling and opinion—by making great improvements in the commercial tariff of England, and in addition to these improvements to abate the duties on some great articles of consumption. Sir, I look to the tariff, and find that it comprises not less than 1,200 articles subject to various rates of duty. During the interval which I have been blamed for taking to consider the subject, I can only say, that each individual item in that tariff has been subjected to the most careful consideration of myself and Colleagues. In the case of each article we have endeavoured to determine, as well as we can the proportion borne by the duty to the average price of the article, for the purpose of ascertaining to what extent it may be desirable to make reductions of the several duties; and the measure which I shall propose will contain a complete review, on general principles, of all the articles of the tariff, with a very great alteration of many of the duties. We have proceeded, Sir, on these principles (observe, that I am speaking of general views; there may be individual articles which should form exceptions, but I wish a general result); first, we desire to remove all prohibition, and the relaxation of duties of a prohibitory character; next, we wish to reduce the duties on raw materials for manufactures to a considerable extent—in some cases the duty we propose being merely nominal, for the purpose more of statistical than revenue objects; in no case, or scarcely any, exceeding, in the case of raw materials, 5 per cent. I speak of course, in a general way. Then we propose that the duties on articles partly manufactured shall be materially reduced, never exceeding 12 per cent. Again, I say, I speak only as to general principles, and without reference to particular cases that may be excepted; while as to duties on articles wholly manufactured we propose that they shall never exceed 20 per cent. These are the general views of the Government as to the maximum duties to be imposed, not referring to certain commodities which I will mention subsequently. The course we have pursued, Sir, is this:—We have arranged the whole tariff under twenty heads. Under the first head, for instance, including live animals, and provisions of all kinds; under the second, articles considered as spices; under the third, seeds; under the fourth, wood for furniture; under the fifth, ores, and other materials for manufactures; and without, Sir, going through all the immense mass of detail, I propose forthwith to lay before the House the amended tariff scheme. It is all prepared, it is arranged as clearly as possible under the twenty different heads, classing as nearly as practicable articles of a similar nature, each schedule arranged under five columns—the first giving the names of the articles, the second the present rate of duty, the third the amount of duty actually received during the year 1840, taken from the Import Duties Committee Report, the fourth the proposed rate of duty to be levied on articles imported from foreign countries, fifthly the proposed rates of duty on the imports from British colonial possessions. Now, Sir, it appears that I could not lay before the House my project in any clearer way than in the one I intend. To attempt to go through all the provisions of my plan, at present, would increase my labour too much, and too greatly fatigue the House. Here, Sir, is the new tariff, arranged under the twenty different heads I mentioned; and on Monday morning all those engaged in commerce and manufactures throughout the country will have the opportunity of seeing what are the duties which the Government intend to propose. [The right hon. Baronet laid the paper on the Table.] Now, Sir, speaking generally, as I said before, I think that out of the 1,200 articles in the tariff, it is proposed to reduce the duty on 750—on all those articles which enter into manufactures as chief constituent materials. There remain about 450 articles on which it does not appear necessary for the interests of commerce and for the interests of consumers to make any deduction of duty. But on 750 duties out of 1,200 I do propose reductions, some of them most material. Now, there are some very important articles on which we do not propose any reductions; partly from considerations of revenue exclusively; partly on this account, that we found, on entering office, there were negotiations pending with many states in respect to proposed commercial treaties, and we have done all we could to continue those negotiations, commencing also some with other states. We have at this moment a treaty pending, commenced under the auspices of the noble Lord opposite, with Portugal, and I firmly believe, had it not been for recent events disturbing the peace of that country, this treaty would ere this have been completed. We have opened communications with Spain for the purpose of forming a commercial treaty with that country, strongly urging on that country the policy of encouraging international commerce. As to this treaty, I can say nothing more at present than that the proposition was favourably received by the Spanish government. We have, further, negotiations pending with Sardinia and with Naples; we have commercial treaties arranging with some of the South American states; we have, moreover, intimated to France our earnest desire to resume negotiations for the completion of a commercial treaty, founded on principles, as I believe, of reciprocal benefit, and having a tendency to strengthen the ties of amity and friendly feeling between the countries. This treaty which was nearly completed by the noble Lord, I must wish had been carried into effect by him, believing most sincerely that France and England would, morally as well as commercially, have derived the greatest benefit from it. I know not which country would have benefited most. There is the opportunity of materially benefiting the industry and trade of both countries by the relaxation of present duties—would the prejudices of the French people admit of it, the benefit resulting to one country would re-act beneficially on the other, to an extent not to be estimated. I think it however right, adhering to strict truth, to add that I can offer no prospect as to the probable period at which this treaty may be ratified, but with my conviction of the reciprocal benefits certain to result from it, I sincerely hope that the public mind in France will support the Government of that country in carrying it out. Now, while these treaties are pending, there are several articles, wine and brandy for instance, which would enter into discussions with these states, and in respect to the duties on which, therefore, I shall humbly advise the House not at present to make any material relaxation. I will not now enter upon the question as to whether it be or be not wise to make reductions of duty on imports without obtaining an assurance of corresponding relaxations from the countries benefitted by our reduction of duty, but I must say, that when we make such reductions on articles imported, we ought to do our utmost to procure from foreign countries benefitted thereby corresponding advantages for England. Nor can I deem it wise to diminish the hope of satisfactorily arranging these relaxations with foreign nations by rashly reducing the amount of duties on articles which must form the bases of negotiation. I do not, therefore, propose any reduction in the amount of duties on brandy, wines, &c., though I hope that they may be reduced when corresponding relaxations are made by other countries benefitted by our reductions. These observations are applicable to various kinds of fruits on which I should be desirous of remitting duties, but on which, as they form the subject of negotiations with some foreign powers, I propose to retain the present rates of duty, in order to facilitate our negotiations for the remission of duties on British manufactures and commerce. I do not think it necessary to enumerate other articles with respect to which no alteration will be made. The tariff will soon be in the hands of hon. Members, and will furnish them with the requisite information. Now, Sir, these various reductions removals of prohibitions, or relaxations of duties, on articles such as oil, ores, &c.,—these reductions having a tendency to remove the burdens upon commerce, and increase its buoyancy—and producing as they will, I firmly believe, advantages to commerce and manufactures far exceeding in proportion the loss to the revenue, will consume about 270,000*l.* of the surplus I have mentioned. Sir, I have been speaking of reductions of duty on articles entering into manufactures; I now address myself to the consideration of reductions in duties on great articles of consumption. Sir, the chief articles of consumption to which duties refer are (independently of wines, &c.) sugar, coffee, and tea. I wish I had it in my power to state to the House, that her Majesty's Government could propose to Parliament such an alteration in the duties on sugar as would be likely to afford a large measure of advantage to the consumer. I do not deny, that if we were wholly unembarrassed by the question of the slave-trade, that I should have felt it my duty to propose a considerable alteration on this subject; but, looking at our position with reference to our own West India colonies, and having due regard to our relations with foreign states, and bearing in mind the treaties into which we have entered, I confess I do not see how it would be possible for me with justice or with safety, to propose any modification of the duties now collected from sugar; at the same time I am quite prepared to admit that this is a department susceptible of some change. The proposition which I shall have to make will be, not like the measure proposed in the last Session of Parliament, which would have had the effect of exposing sugar, the produce of British possessions, to foreign competition; but, on the contrary, one which will protect the British producer, while, as I hope, it will do no injury to the consumer. If I did reduce the duties on sugar, I trust that the reduction would be such as to ensure an increased consumption at a diminished charge. I need scarcely remind hon. Members, that it is of the utmost importance so to limit these changes as that the profit shall fall, not into the hands of the retail dealer, or rather, I should say, that the whole advantage of the remission of duties should accrue to the consumer alone. I cannot consent, neither can those with whom I have the honour to act acquiesce, in any arrangement the effect of which would be to permit the accession or the import of sugar into this country, the produce of Brazil or of Cuba, without making some effort for the purpose of restraining that trade which this country has so long and so vigorously resisted. I retain the opinion which I formerly expressed upon this subject—that I do not believe it would be consistent with the honour and character of this country to take any course, however strong the motive for its adoption, the tendency of which would be to give the remotest sanction or encouragement to that traffic; but, on the contrary, to spare no pains and evade no sacrifice which could with safety and justice be made for the purpose of effecting its abolition, or, as far as our power extended, of mitigating its severity. Considering then the peculiar circumstances of our position with respect to the slave-trade, I cannot think it would be for the honour, the character, or the advantage of this country that we permit a competition between sugar the produce of British possessions, and the sugar of foreign colonies produced by slave-labour. Is it politic to adhere to the principle of reducing the duty on sugar the produce of British possessions alone? I greatly doubt the policy of any such reduction. If there could be a free competition, then I should say, that the case would be most materially altered. Nothing can be more evident than that it would be greatly to the advantage of the West India proprietors, that her Majesty's Government should encourage the growth of their sugar by a considerable remission of duties; but while sugar received only that support which was at present conceded to it, it should not be forgotten that the trade in sugar partook in some degree of the nature of a monopoly, and therefore am I afraid to reduce the duty. I am afraid, as the supply is limited, that the cost price to the consumer would not be reduced. I am afraid, that such reduction would operate, not as a relief to the consumer, but a bonus to the West India proprietor; and though I do not disguise from myself the advantage of reducing the duty on sugar, yet, after every consideration which I have been able to give the subject, I am not able to communicate views differing from those which I expressed last year. There are, I confess, some circumstances from which I derive consolation in adhering to these views; I find that in the year 1841, there has been a very material increase in the consumption of sugar the produce of British possessions. I shall now proceed to lay before the House a short statement, showing the recent consumption of sugar, and the amount of duty collected from the importation of that commodity. In the year 1840, that is, the year ending the 5th of January, 1841, the quantity of sugar imported from British possessions was 4,035,000 cwt. In 1841, viz., the year ending on the 5th of January, 1842, the importation of sugar amounted to 4,880,000 cwt. The quantity of sugar imported for home consumption in the year 1840 was 3,594,000 cwt. In 1841 it was 4,058,000 cwts. The gross amount of duty collected in the year 1840 was 4,465,000*l.* In 1841 the duty collected amounted to 5,120,000*l.* Thus it will be seen that the duties, without the addition of the foreign sugars, correspond as nearly as possible with the calculation made last year by the right hon. Gentleman opposite; but the House would, of course, see that the consumption of the present exceeded the consumption of last year, and the total amount imported from British possessions in the East Indies in the current year exceeded the importations of the preceding season. It is almost needless to observe that the imports afford the best data which we can possess for the purpose of forming an estimate of the probable supply for the ensuing year. There is at present, or I should say there was on the 5th of the present month, in London, of British plantation, Mauritius, and East Indian sugar 410,000 cwt., while in the outports the quantity was 180,000 cwt. The total quantity then in warehouse in this country was 590,000 cwt. On the expected imports of sugar during the year 1843 I have sought the best information, and consulted those on whose judgment I have good reason to rely. The result of the communications which I have held upon the subject lead me to the conclusion that as nearly as possible the imports of sugar in the next year may be estimated at 2,400,000 cwt. from the West Indies, 800,000 cwt. from the Mauritius, and 1,700,000 cwt. from the East Indies, making a total of 4,900,000 cwt. Now, if we add to this the quantity at present in warehouse in England, namely 590,000 cwt., we have for the consumption of the year 1843 a quantity of sugar which might fairly be estimated at 5,490,000 cwt. The amount of sugar taken out for home consumption in the present year was 4,040,000 cwt.; now that would leave a surplus over the largest quantity ever derived from British colonies of not less than 122,000 cwt. The statements which I have made are founded upon the best and the most accurate information which it was in my power to obtain, but I do not mean to say that it warrants a conclusive argument against the principle of permitting foreign competition in the article of sugar, supposing always that we were not embarrassed by the question of slavery; but I am happy to say that the opinion expressed by

Government as to the anticipated reduction in the price of sugar, and the increase to the revenue without resorting to foreign supplies, has been fully realised. I am quite aware that other questions have arisen with respect to the application of our efforts towards laying a foundation for the gradual abolition of slavery, in the success of which the country is much interested, and the success of which is of the highest importance to the honour, the good faith, and the prosperity of Great Britain. Imputations on the honour and good faith of the country have been thrown out in reference to the efforts which we have made to accomplish the total abolition of slavery. One of the fairest and most obvious modes by which charges of that nature may be answered is, to avoid anything which could be construed into an encouragement, direct or indirect, of the slave trade; therefore am I disinclined to incur the risk of doing anything that could tend to increase the horrors of slavery. On those grounds, then, I adhere to the opinion which I expressed in the course of last year, and which I repeat on the present occasion, that I am opposed to the reduction of the duty on sugar while it partakes of the character of a monopoly. I now come to two articles of very general consumption—coffee and timber. With respect to both of those I trust that the propositions that I shall have to make will be more generally acceptable. I am sorry to say that though there has been an increase in the consumption of sugar, there has been a decrease in the consumption of coffee. In the year 1840 the home consumption of coffee was 2,870,000lb. In 1841 it was 2,844,100lb. The gross amount of duty received in the former year was 922,000*l.*, and in the latter 880,000*l.* The duty on foreign coffee is 1*s.* 3*d.*, while on coffee produced in British possessions the duty is only 6*d.*, and the duty on coffee produced in territories comprehended within the limits of the East India Company's Charter is 9*d.* Will the House do me the favour to look for a moment at the effect of this condition of our fiscal regulations? Coffee the produce of Brazil and Hayti is conveyed to the Cape of Good Hope, and thence transmitted to England, in order that it may come in at a duty of 9*d.* This, with 1*d.* for the charges of freight, places foreign coffee under a burden of 10*d.*, when coffee the produce of British possessions pays 6*d.* Now, it appears to me in this case the wisest, the fairest, and the best policy to make a reduction on great articles of consumption, instead of several of smaller amount on articles of minor importance. I desire to make the reduction considerable, and I desire at the same time to make it effectual, and the mode in which I propose to accomplish this is, by imposing two simple duties, and to get rid of the absurdity of sending coffee from Brazil and Hayti to take a voyage to the Cape of Good Hope before it comes to England. I thus appear to myself to get rid of the charges of freight, and to place the provisions respecting the importation of coffee upon a simple and intelligible basis. I intend that coffee the produce of British possessions shall come in at a duty of 4*d.*, and that all foreign coffee shall pay 8*d.* I shall now proceed to calculate the probable loss to the revenue from this arrangement. In the year 1841 the quantity of coffee imported from our own possessions was 463,000lb. The supply of foreign coffee during the same period was 10,849,000lb. Now, with the altered duty I find, upon the most accurate estimate which can be made of the probable loss, that it will not exceed 171,000*l.* The whole of the calculation into which I have entered stands thus:—

The Revenue for 1841, derived from the present duties, viz.

	Revenue.
	£
From British possessions, 17,571,884lb. at 6*d.*	463,699
— Foreign countries, 10,899,096lb. at 9*d.* 1*s.* and 1*s.* 3*d.*	427,947
Revenue received in 1841	891,646
Assuming no increased consumption, the Revenue at the two duties of 4*d.* and 8*d.* would be—	
	£
From British possessions, 17,571,884lb. at 4*d.*	292,864
— Foreign countries, 10,849,096lb. at 8*d.*	361,636
Revenue for 1842-3	654,500
Revenue for 1841	891,646
Loss, assuming no increase of consumption	237,146
Assuming that the increase of consumption will be 10 per cent., viz. producing	65,450
Probable loss of revenue	171,696

Adding this loss to that which I have already estimated will be incurred by the reduction of the duty on articles consumed in manufactures—namely, the sum of 270,000*l.*, it will show a total decrease of 441,000*l.* in the revenue now obtained from the necessaries of life. The other great article to which it is necessary that I should now direct the attention of the House is the article of timber. I am anxious to begin by applying as much as possible of the surplus revenue to the reduction of the duty on timber, but here again I find myself considerably embarrassed by our relations with Canada. The present rate of duty on foreign timber is 55*s*. a load, but the duty on timber is now levied in a complicated and unfair way. And in taking the average amount of duty on foreign timber, including the duty on deals, staves, and laths, taking the whole together, the aggregate amount will not exceed 41*s*. a load. The duty on colonial timber is 10*s*. a load, and here also the average duty may be taken at 8*s*. or 9*s*. a load. It appears to me, that it would be of the utmost advantage, if you make a reduction in the duty on timber, to let it be such a reduction that the consumer should be certain of deriving some benefit from it, and then to make the reduction in such a way that, in the peculiar position of the Canadas, and knowing the importance attached by them to the timber trade, we should not suddenly, or indeed not at all, affect the interests of those colonies; and I think there can be a mode suggested if the House will consent to a considerable loss of present revenue, by which the object to which I have alluded may be attained. If I am correct in supposing that the amount of duty upon foreign timber does not exceed 41*s*. per load, the scope within which I can act is somewhat limited. There have been various measures proposed upon this subject. That measure which I must confess appeared to me to offer the greatest objection, was that proposed last year by Government, and which offered the slightest possible relief to the public. By the measure of last year, it was proposed to reduce the duty on foreign timber, but to increase that on Canadian timber. I am going to act on a totally different view. I wish to put all political considerations on one side. I am anxious to avoid, as far as possible, those paltry objects which sink into nothing when I consider the immense interests which are at stake. The measure of last year proposed no relief to the consumer, and no addition to the revenue. My object, having a surplus to deal with, is to consider how I can deal with it to the greatest advantage to the consumer—how, without inflicting any injury on Canada, I can secure the most substantial benefit to this country, to the manufacturing, to the commercial, and to the agricultural interests. It appears to me, that if there is one article more than any other, on which a great reduction of duty is likely to prove beneficial to the public, it is this. It may not offer such plausible promises as some other reductions that might be proposed. It may, for instance, be represented to the working classes that this is a reduction of duty from which they will derive no benefit. But that would be a very false and superficial view of the subject. The real way in which we can benefit the working and manufacturing classes is, unquestionably, by removing the burden that presses on the springs of manufactures and commerce. I should propose—as I believe the aggregate average duty upon foreign timber does not exceed 41*s*. I should propose, in order that the reduction may be carried out to a sufficient extent to benefit the consumer, that for the present, the duty on foreign timber, as distinguished from deals, should be reduced to 30*s*. I should propose, that for the present year, that is to say, the year ending 5th April, 1843, the duties on deals should be reduced to 35*s*. But I propose to make a total change in the mode of collecting the duties, and to place all the ports of the Baltic on the same footing. I propose, that in future the duty shall be estimated by cubical measurement, instead of the cumbrous, injurious, and unfair mode by which the tax is at present levied. In the year after next I propose—for I am anxious to prevent the possibility of inflicting any injury on Canada; in the committee which sat in 1835, Lord Sydenham held out a distinct prospect to the Canadians, that no sudden measure should be adopted calculated to injure the timber trade of that country;—it is therefore the intention of her Majesty's Ministers to evince no disposition in the reduction which they should feel it their duty to make, to impose any disadvantage on the inhabitants of Canada. I stated last year, on the subject of the timber duties, that I should reserve my opinion with regard to them, until I should see how an alteration of them would affect our colonies, and particularly until I should consider its effect on our political relation with the important province of Canada. I still maintain, that the utmost caution should be exhibited in our relations with Canada, and that nothing should be rashly done that may be likely to affect injuriously the interests of its inhabitants. With this feeling I propose an alteration in the timber duties, and shall be anxious to benefit the Canadian as well as the British consumer. On these grounds I propose, that after the 5th of April, 1843, the duty on foreign timber should be reduced to 25*s*. a load; that the duty on deals should, at the same time, be reduced to 30*s*., and that the duty on lath wood should be reduced to 20*s*. If the House will consent to make this reduction in the duty on foreign timber—and there is none more likely to encourage the commercial interests of the country—it will be necessary to consider how our relations with Canada stand with respect to the timber trade. With respect to those possessions, with which I trust this country will ever maintain the most friendly relations, I think it desirable that we should act on the principle of treating Canada as if it were an integral part of the empire. The distance of Canada from this country, and the cost of bringing timber to this country, must in itself necessarily place Canada under a great disadvantage in her commerce in that article with this country; and, therefore, I think if the duty on timber be reduced to 25*s*., and the duty on foreign deals to 30*s*., it appears to me if that reduction be made, that we have no alternative but to admit Canadian timber into this country at an almost nominal duty. Sir I propose that the duty upon colonial timber be reduced to 1*s*. a load, that the duty upon deals be reduced to 2*s*. a load, and that the duty on lath wood shall be reduced to 3*s*. a load. Now, I shall say at once that the adoption of this measure cannot fail to produce a great loss of revenue, but having made a reduction in the duty on articles that enter into the elements of manufactures, I cannot see any more beneficial reduction than a reduction of the duty levied upon timber. The total loss, in consequence of this reduction in the duty on timber, will, I estimate, amount to 600,000*l*. If the House wish it I will go through the details of the calculations by which I arrive at this conclusion. I am ready to go into these details, but I own I should be glad to be spared them, as I shall be glad to spare the House the trouble of listening to them. There are two, and only two, other great reductions of duty to which I wish to call the attention of the House, and I cannot help thinking that on these I shall carry the unanimous opinion of the House with me. Sir, there are at present levied certain duties on the export of British manufactures—duties, Sir, which I think are contrary to a sound principle of legislation; and these duties I find amount to the sum of 108,000*l*. a-year. Part of these duties arise from the export of woollens and of yarns which are exported to countries with which we have no reciprocity treaties.

I find the duty on woollen manufactures amounts annually to	£30,000
That on linen yarns to . .	4,000
On silks to	4,800
On manufactured iron to . .	24,000
On some other articles to . .	9,000
On earthenware to . . .	8,000
On provisions to . . .	5,200
Making altogether .	£85,200

To these may be added for some minor articles about 20,000*l*. giving a total of upwards of 100,000*l*. a-year. Now, Sir, I propose to remit altogether the export duties on British manufactures, and thus there will be incurred a loss of revenue at 103,000*l*. a-year. There is another and a different class of duties that I think unjust, and towards the removal of which I think a part of the surplus should be applied. In the first place, I will call your attention to the duty upon stage-coaches: and in dealing with this question you must consider the amount of competition which the proprietors of these coaches have to contend against, especially on those lines of road where railways have been established. To make that competition more difficult, you subject them to unjust taxation. As I said before, I am unwilling to place any new tax on locomotion; but I am anxious to propose the remission of existing encumbrances. At present, railways pay to the State only one-eighth of a penny a mile for every passenger, and, speaking of the present year, I do not propose any augmentaon to this tax. I do not mean to say that these duties are too low; but, when the duty on stage-coaches is considered, I say stage-coaches pay a great deal too much. The rate of mileage imposed on stage-coaches, if licensed to carry not more than six persons, is one penny a mile; if licensed to carry not more than ten persons, three halfpence a mile; if not more than thirteen, twopence, and if not more than sixteen, threepence. Then, in addition to this, there is a license duty of 5*s.*, besides the assessed taxes on coachmen and guards. On railroads, no corresponding taxes are imposed. I shall propose, that stage coaches be subjected to a uniform mileage of 1½*d.*, that the licence be reduced to 3*s.*, and that the assessed taxes on coachmen and guards be taken off altogether. This proposition, if assented to by Parliament, will lead to a loss of revenue amounting to 61,000*l.*; but it is a loss which, I feel persuaded, can be vindicated on principles of strict and impartial justice. I also propose to take off the duty imposed upon persons who are in the habit of letting job carriages, and this will lead to a loss in the revenue of 9,000*l.*, making a total loss in the revenue of 70,000*l.* on account of stage coaches. I will now shortly review the whole of the financial arrangements which I have detailed.

The estimated deficiency of this Year is	£2,570,000
The reduction in the various articles of the tariff, to the number of 750, will not be more than	270,000
The loss on coffee I estimate at	170,000
That on timber at............	600,000
The repeal of the export duty on British manufactures will occasion a loss of	100,000
And the reduction of the duties on stage coaches will lessen the revenue by	70,000
Making a total deficiency in the public income, in consequence of the proposed reductions of	£3,780,000

The loss of 3,780,000*l.*, deducted from the estimated revenue to be derived from the new taxes, and which is calculated at 4,300,000*l.*, will leave a surplus of 520,000*l.* to meet the increased estimate which I may have to propose on account of India; to meet the increased charge which may be necessary to prosecute the war with China; to meet any increased reduction of duty which it may be necessary to propose on account of the completion of commercial treaties with other countries. I believe I have now concluded the task I have undertaken. If I have been enabled clearly (which is all I have aimed at)—clearly and fully to develope the views of her Majesty's Government, I am greatly indebted for that success to the very kind and patient attention with which the House has listened to the exceedingly long, and, I am afraid, in some respects, tedious details with which I have been compelled to enter. I have laid before you, without reserve, the whole plan of the Government. I have given you a full, an explicit, an unreserved, but I hope, an unexaggerated statement of the financial embarrassments in which we are placed. There are occasions when a Minister of the Crown may, consistently with honour and with good policy, pause before he presses upon the Legislature the adoption of measures which he believes to be abstractedly right; he may have to encounter differences of opinion amongst Colleagues whom he esteems and respects; he may sincerely believe it to be for the public interest that the Government of which he is a Member should retain power, and that, therefore, he should not hazard its existence, by proposing a measure which might not ultimately succeed, and thereby endanger the safety and security of his Government; he may, on comparing the consequence of exciting and agitating the country by discussion upon a measure in which he may not ultimately succeed, think it possible that there is a disadvantage in proposing that which he believes to be abstractedly right, for the evil of fruitless agitation may possibly countervail the enunciation of a right principle. But there are occasions, and this is one of them, upon which a Government can make no compromise—there are occasions, and this is one of them, upon which it is the bounden duty of a Government to give that counsel to the Legislature which it believes to be right—to undertake the responsibility of proposing those measures which it believes to be for the public advantage, and to devolve upon the Legislature the responsibility of adopting or rejecting those measures. I have performed on the part of her Majesty's Government my duty. I have proposed with the full weight and authority of the Government, that which I believe to be conducive to the public welfare. I now devolve upon you the duty, which properly belongs to you, of maturely considering and finally deciding on the adoption or rejection of the measures I propose. We live in an important era of human affairs. There may be a natural tendency to overrate the magnitude of the crisis in which we live, or those particular events with which we are ourselves conversant; but I think it is impossible to deny that the period in which our lot and the lot of our fathers has been cast — the period which has elapsed since the first outbreak of the first French revolution—has been one of the most memorable periods that the history of the world will afford. The course which England has pursued during that period will attract for ages to come the contemplation and, I trust, the admiration of posterity. That period may be divided into two parts of almost equal duration; a period of twenty-five years of continued conflict—the most momentous which ever engaged the energies of a nation—and twenty-five years, in which most of us have lived, of profound European peace, produced by the sacrifices made during the years of war. There will be a time when those countless millions that are sprung from our loins, occupying many parts of the globe, living under institutions derived from ours, speaking the same language in which we convey our thoughts and feelings—for such will be the ultimate results of our wide-spread colonisation — the time will come when those countless millions will view with pride and admiration the example of constancy and fortitude which our fathers set during the momentous period of war. They will view with admiration our previous achievements by land and sea, our determination to uphold the public credit, and all those qualities by the expedition of which we were enabled ultimately, by the example we set to foreign nations, to ensure the deliverance of Europe. In the review of the period, the conduct of our fathers during the years of war will be brought into close contrast with the conduct of those of us who have lived only during the years of peace. I am now addressing you after the duration of peace for twenty-five years. I am now exhibiting to you the financial difficulties and embarrassments in which you are placed; and my confident hope and belief is, that following the example of those who preceded you, you will look these difficulties in the face, and not refuse to make similar sacrifices to those which your fathers made for the purpose of upholding the public credit. You will bear in mind that this is no casual and occasional difficulty. You will bear in mind that there are indications amongst all the upper classes of society of increased comfort and enjoyment—of increased prosperity and wealth, and that concurrently with these indications there exists a mighty evil which has been growing up for the last seven years, and which you now are called upon to meet. If you have, as I believe you have, the fortitude and constancy of which you have been set the example, you will not consent with folded arms to view the annual growth of this mighty evil. You will not reconcile it to your consciences to hope for relief from diminished taxation. You will not adopt the miserable expedient of adding, during peace, and in the midst of these indications of wealth and of increasing prosperity, to the burdens which posterity will be called upon to bear. You will not permit this evil to gain such gigantic growth as ultimately to place it far beyond your power to check or control. If you do permit this evil to continue, you must expect the severe but just judgment of a reflecting and retrospective posterity. Your conduct will be contrasted with the conduct of your fathers, under difficulties infinitely less pressing than theirs. Your conduct will be contrasted with that of your fathers, who, with a mutiny at the Nore, a rebellion in Ireland, and disaster abroad, yet submitted, with buoyant vigour and universal applause (with the funds as low as 52), to a property-tax of 10 per cent. I believe that you will not subject yourselves to an injurious or an unworthy contract. It is my firm belief that you will feel the necessity of preserving inviolate the public credit—that you will not throw away the means of maintaining the public credit by reducing in the most legitimate manner the burden of the public debt. My confident hope and belief is, that now, when I devolve the responsibility upon you, you will prove yourselves worthy of your mission—of your mission as the representatives of a mighty people; and that you will not tarnish the fame which it is your duty to cherish as the most glorious inheritance—that you will not impair the character for fortitude, for good faith, which, in proportion as the empire of opinion supersedes and predominates over the empire of physical force, constitutes for every people, but above all for the people of England—I speak of reputation and character—the main instrument by which a powerful people can repel hostile aggressions and maintain extended empire. The right hon. Baronet concluded by moving the following resolution:—

"That, towards raising the supply granted to her Majesty, there shall be charged, levied, collected, and paid upon every gallon of spirits of the strength of hydrometer proof, which shall, on or after the eleventh day of March one thousand eight hundred and forty-two, be distilled in Ireland, or be in the stock, custody, or possession of any distiller in Ireland, or which having been distilled in Ireland or Scotland, shall on or after that day be in warehouse in Ireland, and be taken out of warehouse for consumption in Ireland, or which having been taken out of warehouse in Scotland for removal to Ireland, shall on or after that day be brought into Ireland, an additional duty of one shilling.

FINANCIAL DOCUMENTS QUOTED BY SIR ROBERT PEEL.

(No. 1.)

ESTIMATE OF EXPENDITURE ACCORDING TO THE ACTUAL VOTES, INCLUDING ORDNANCE SUPPLEMENTAL VOTE.

Mr. Baring's estimate for the year ending 5th April 1842	£	£
Income	48,310,000	48,310,000
Expenditure	50,731,996	50,777,432
Deficiency	2,421,996	2,467,432
Income (ordinary).		
Actual produce from 5th April, 1841, to 26th February, 1842	43,730,044	
Estimated receipts from 26th February, 1842, to 5th April, 1842 (same as last year)	4,323,639	
		48,053,683
Expenditure.		
Actual amount from 5th April, 1841, to 26th February, 1842	47,287,633	
Estimated amount from 26th February to 5th April, 1842	3,100,609	
		50,388,242
Probable Deficiency		£2,334,559

(No. 2.)

Estimated Income for the present year 1842-43.

	£
Customs	22,500,000
Excise	13,450,000
Stamps	7,100,000
Taxes	4,400,000
Post-office	500,000
Crown Lands	150,000
Miscellaneous	250,000
Total Estimated Income	£48,350,000

(No. 3.)

Estimated Expenditure for the year ending April 5, 1843.

Debt funded and unfunded.		
Interest on management of the permanent debt	£ 24,627,817	£
Terminable annuities	4,076,850	
Total Charge of the funded debt, exclusive of the interests on donations and bequests	28,704,667	
Interest on Exchequer Bills	722,783	
		29,427,450
Other charges on the Consolidated Fund.		
Civil List	390,730	
Annuities and pensions for civil, naval, military, and judicial services, charged by various Acts of Parliament on the Consolidated Fund	617,000	
Salaries and allowances	254,000	
Diplomatic salaries and pensions	187,000	
Judicial service	728,000	
Miscellaneous Charges on the Consolidated Fund	191,300	
		2,368,030
Total Charges on the Consolidated Fund		31,795,480
Services to be voted in Supply.		
Army	6,617,082	
Navy	6,739,318	
Ordnance	2,084,549	
Miscellaneous, chargeable on the annual grants of Parliament	2,800,000	
Insurrection in Canada	108,000	
China Expedition 500,000 Arrear 175,000	675,000	
		19,023,949
		50,819,429
The estimated charge for the year ending April 5, 1842, made up after all the estimates were voted was		50,777,432
Increase		42,000

AUSTRALIA.

Actual expense of Chinese operations, estimate	1,500,000
Vote	500,000
Exclusive of vote for year ending April, 1843.	£1,000,000

(No. 4.)

EXPENSE OF CHINA EXPEDITION.

Arrears of sums due to the East India Company on the 30th April, 1841	708,755
Grant made in the Session of 1840	172,442
Arrears of former year to be provided in 1841	535,313
Estimate of expenditure to the 1st April, 1842	658,379
Total charge to April, 1842	1,193,692
To which have been applied—	
Grant of Parliament in Session 1841	400,000
Canton Ransom	618,430
	1,018,430
Arrears due on 1st April, 1842	175,262
Estimate expense of year ending April, 1843, is 1,500,000*l.*, on account of which it is proposed to vote	500,000
Total to be voted for China in 1842	£675,262

ESTIMATE OF INCOME AND EXPENDITURE, SHOWING THE PROBABLE DEFICIENCY FOR THE YEAR ENDING 5TH APRIL, 1843.

	£
Expenditure	50,819,000
Income	48,350,000
Probable deficiency	2,569,000

That deficiency will arise on the votes for the year.

The real deficiency will exceed it.

The estimate of the expense for China for 1842-3 cannot be less than 1,200,000*l.*—may be 1,500,000*l.*

	£
Take the lowest sum	1,200,000
The estimate for this year	500,000
Deficiency	700,000
Australia	100,000
Credit pledged for Canadian loan	1,500,000

Canadian fortifications 100,000*l.* a-year, provided for Indian finance.

(No. 5.)

An ACCOUNT *of the* DEFICIENCY *of the* INCOME *of the* UNITED KINGDOM, *for the Years ending the 5th of January and 5th of April,* 1838, 1839, 1840, *and* 1841, *with the estimated* AMOUNT *of the* DEFICIENCY *for the Year ending the 5th of January and 5th of April,* 1842.

Years.	Ending Jan. 5.	Ending April 5.
	£	£
1838	655,760	1,428,534
1839	345,228	430,325
1840	1,512,792	1,457,223
1841	1,593,970	1,851,997
1842 (estimated)	2,101,369	2,334,559
	6,209,119	7,502,638
1843 (certain deficiency)		2,570,000
Total deficiency in six years		£10,072,638

Note.—The figures in the first columns are taken from the printed accounts, Nos. 87 and 438; those in the second column from No. 268, of 1841, with the exception of the year 1842.

(No. 6.)

MR. BARING'S ANTICIPATION OF THE INCREASED REVENUE TO BE DERIVED FROM THE TAXES IMPOSED IN 1840.

Mr. Baring imposed his 5 per cent. duty on Customs and Excise, and 10 per cent. on Assessed Taxes in May, 1840.

	£
The net produce (after deducting drawbacks and repayments) of the Customs and Excise in the year ending Jan. 5, 1840, was	37,911,506
The estimated produce of the Customs and Excise, with the additional 5 per cent. ..	1,895,575
Was, for the year ending Jan. 5, 1842 ..	39,807,081
The actual produce was	38,118,221
The actual increase was	206,715

Being not 5 per cent., but a little more than half per cent.

	£
The net produce of Assessed Taxes in the year ending Jan. 5, 1840, was	2,758,590
The estimated produce, with the 10 per cent. addition	275,859
Was	3,034,449
The actual produce of Assessed Taxes, 10 per cent. included for the year ending Jan. 5, 1842, was	3,500,922
Deduct for the new survey of windows, &c. ..	430,975
	3,069,947
The increase therefore on Assessed Taxes was or 11½ per cent.	£311,357

(No. 7)

A RETURN, *showing the amount of* DUTY *collected on each of the undermentioned articles retained for* HOME CONSUMPTION *in the year (ending the 5th of January) previous to the reduction of the duty on such articles respectively, and the* REVENUE *collected thereon in each of the seven years following the reduction.*

WINES, TOBACCO, COFFEE and HEMP, reduced in 1825.

ARTICLES.	The duty reduced in 1825.	Amount of duty received in 1824.	Amount of Duty received in each of the seven years subsequent to 1825.						
			1826.	1827.	1828.	1829.	1830.	1831.	1832.
		£	£	£	£	£	£	£	£
Wine	From 9*s.* 1½*d.* to 4*s.* 9¾*d.*	2,153,112	1,424,326	1,600,587	1,700,051	1,473,546	1,524,168	(*a*)1,535,484	1,715,812
Tobacco . .	From 4*s.* to 3*s.* . .	3,378,537	2,658,769	2,826,379	2,793,875	2,849,706	2,924,265	2,964,592	3,080,599
Coffee . . .	From 1*s.* to 6*d.* . .	420,988	336,570	399,690	440,245	498,951	579,363	583,751	598,038
Hemp . . .	From 9*s.* 2*d.* to 4*s.* 8*d.*	236,191	104,456	101,460	95,051	84,841	83,268	108,717	(*b*)27,473

(*a*) The rates of duty on wine other than French were increased, and that on French wine further reduced in 1831. (See the article on French wine below).

(*b*) The rate of duty on hemp was again reduced in 1832.

RUM *reduced in* 1826.

	The duty reduced in 1826.	Amount of duty received in 1825.	Amount of Duty received in each of the seven years after 1826.						
			1827.	1828.	1829.	1830.	1831.	1832.	1833.
Rum.......	From 12*s.* 7 1·5*d.* to 8*s.* 6*d.* per gal.	£ 1,284,628	£ 1,396,576	£ 1,392,554	£ 1,434,783	£ (c) 1,600,331	£ 1,629,881	£ 1,591,109	£ 1,570,797

(*c*) The rate of duty on rum was increased 6*d*. per gallon in 1830.

SUGAR *reduced in* 1830.

	The duty reduced in 1830.	Amount of duty received in 1829.	Amount of Duty received in each of the seven years subsequent to 1830.						
			1831.	1832.	1833.	1834.	1835.	1836.	1837.
Sugar......	From 27*s.* to 24*s.* per cwt.	£ 4,896,242	£ 4,650,590	£ 4,394,338	£ 4,414,302	£ 4,559,392	£ 4,667,900	£ 4,184,165	£ 4,760,565

FRENCH WINE *reduced in* 1831.

	The duty reduced in 1831.	Amount of duty received in 1830.	Amount of Duty received in each of the seven years after 1831.						
			1832.	1833.	1834.	1835.	1836.	1837.	1838.
French Wine....	From 7*s.* 3*d.* to 5*s.* 6*d.* per gallon.	£ 110,417	£ 62,331	£ 63,165	£ 71,130	£ 74,080	£ 96,534	£ 120,286	£ 113,982

A RETURN *of the* AMOUNT *of* DUTY *on* NEWSPAPERS *and* ADVERTISEMENTS *in the Year (ending January* 5), *previous to the Reduction of the* DUTY, *and of the* REVENUE *Collected in each of the Seven Years after such Reduction.*

NEWSPAPERS.				ADVERTISEMENTS.			
Years.	Amount of Duty.			Years.	Amount of Duty.		
	£.	*s.*	*d.*		£	*s.*	*d.*
1835	521,909	17	2	1832	155,400	16	0
1836	* Duty reduced from 4*d.* to 1*d.*			1833	Duty reduced from 3*s.* 6*d.* to 1*s.* 6*d.*		
1837	201,669	16	5	1834	83,422	17	8
1838	204,616	18	11	1835	88,440	19	9
1839	220,452	15	3	1836	98,336	10	8
1840	225,701	0	3	1837	101,939	18	7
				1838	111,899	7	11
				1839	115,284	10	2
				1840	121,422	9	11

* The act reducing the duty from 4*d*. to 1*d*., to commence from the 15th September, 1836, also repealed the discount of 20*l*. per cent, previously allowed on newspapers, and which in 1835 amounted to 97,796*l*.

(No. 8.)

Remarks on the Property-tax.

Former Property-tax.	Proposed Property-tax.
Incomes under 60*l.* a-year exempt, and incomes between 60*l.* and 150*l.* subjected to a reduced rate of charge.	All incomes under 150*l.* a-year totally exempt.
Charge Imposed.	Charge Imposed.
In 1798 .. .. 10 per cent. In 1803 .. .. 5 per cent. In 1805 .. .. 6½ per cent. In 1806 .. .. 10 per cent.	7*d.* in the pound, or 2*l.* 18*s.* 4*d.* per cent.
Tax payable in respect of the occupation of lands in England three-quarters of the above rate, and in Scotland one-half.	Tax payable in respect of the occupation of land in Great Britain one-half of the above rate.
Foreigners having money in the funds exempt from duty on such property.	Funded property, though in the hands of foreigners, charged with duty.

(No. 9.)

Property Assessed under former Acts Imposing a Property-tax.

Income assessed in 1814	£170,000,000

SOURCES OF INCOME CLASSED IN FIVE SCHEDULES.

A. Property derived from land.	
1. Rent of lands	39,400,000
2. Rent of houses	16,260,000
3. Tithes, mines, quarries, canals, iron-works, &c.	4,470,000
A. Total ..	60,130,000
B. Rent of land in respect to occupation ..	38,396,000
C. Income derived from public funds, and similar securities (sum on which assessment made)	30,000,000
D. Profits of trades and professions ..	38,310,000
E. Income of public officers	11,744,000
	178,580,000

SCHEDULE A.

1. Rent of lands in 1814	39,400,000

Affected by two causes acting in different directions;—first, by cessation of war, and restoration of currency;—second, application of science and mechanical improvement.

Present estimate	£39,400,000
2. Rent of houses in 1814	16,260,000

In 1814, number of houses, 2,231,000; present number, 3,460,000.

If the value proportionate to increase of number, present income from houses		£25,000,000
From calculations founded on house-tax, same result. Assume, therefore as rental of houses		25,000,000
3. Tithes	£3,500,000	
Dividends from railways, canals, &c.	3,429,000	
Mines, ironworks	1,500,000	
Total, 3rd class		£8,400,000

TOTAL INCOME AT PRESENT.

Rent of land	39,400,000
Rent of houses	25,000,000
Tithes, shares, mines, &c.	68,400,000
	£72,800,000
Deduct for incomes under 150*l.* per annum one-fourth the produce of duty will be	£1,600,000

SCHEDULE B.

Rent of Lands in respect of Occupation.

Sum assessed in 1814	£38,396,000
Value of tenants' occupation, assumed in 1814 at three-quarters of rent paid (admitted to be too high, I take it at one-half), I assume rent to be	26,000,000
Deduct exemptions under 150*l.*, produce of duty	150,000

SCHEDULE C.

Public Funds and Securities.

	£
Capital asssessed in 1814	30,000,000
Payments of dividend and interest in 1841	29,400,000
Deduct for saving-banks	1,000,000
	28,400,000
Add for dividends on Bank, and India, and Foreign Stocks	1,500,000
Total, near	30,000,000
Deduct one quarter for exempted incomes, estimated produce of tax	£646,000

SCHEDULE D.

Profits of trades and professions assessed in 1814 at	£ 38,310,000
(Difficult to form an estimate.)	
Total exports and imports in 1814 are to those of 1840 as	86 to 138
Declared value	45 to 51
	Tons.
British shipping in 1814	1,990,000
1841	3,292,000
	£
Estimate	56,000,000
Deduct one-fourth for exempted incomes, Estimated produce of tax	1,225,000

SCHEDULE E.

	£
Income of all public officers in 1814	11,744,000
Great reductions of establishments	
Probable present income	7,000,000
Deduct one-fourth on account of exemptions, leaves	5,250,000
Produce of tax	155,000

TOTAL PRODUCE OF DUTY.

	£
Schedule A	1,600,000
Schedule B	150,000
Schedule C	646,000
Schedule D	1,220,000
Schedule E	155,000
	£3,771,000

(No. 10.)

Duty on Coals Exported.

There is a duty of 4*s.* per ton on coal exported in foreign ships. There is none on coal exported in British. The distinction is unavailing on account of the reciprocity treatise. I propose a duty of 4*s.* on coal exported in all ships.

Exported,—	Tons.	Duty.
In 1831	356,000	50,000*l.*
1833	448,000	64,710*l.*
1839	1,192,000	8,586*l.*
1840	1,307,000	6,900*l.*

Estimate of duty from tax of 4*s.* applied to British, and therefore all foreign 200,000*l.*

(No. 11.)

Produce of New Taxes and Estimated Expenditure for the Year Ending April, 1843 :—

	£
Income-tax	3,700,000
Stamp duties, Ireland	160,000
Spirit duties, Ireland	250,000
Export of coal	200,000
	£4,310,000
Estimated deficiency of expenditnre, Compared with present income	2,570,000
	£1,740,000

That deficiency arises on the votes only, on the necessity of making actual pecuniary provision—the extra expense for China. The measures that India intelligence may render necessary are not provided for.

(No. 12.)

REVISION OF TARIFF.

It is computed there are 1,200 different rates of duty, all carefully considered. Proportion borne by duty in each case to average price considered.

General Principle of Alteration.

1. Removal of prohibitions and relaxation of prohibitory duties.
2. Reduction of duties upon raw materials for manufacture to very low duties; in some cases nominal; in none exceeding 5 per cent.
3. Reduction of duties upon articles partially manufactured to a point not exceeding 12 per cent.
4. Reduction of duties upon manufactured articles to a point not exceeding 20 per cent.
5. Reduction of duties upon colonial produce.

(No. 13.)

SUGAR.

	Cwt.
Imports in the year ending January 5, 1841	5,035,000
Imports in the year ending January 5, 1842	4,883,000
Entered for home consumption in 1840	3,606,000
Entered for home consumption in 1841	4,065,000
Gross amount of duty in 1840	4,465,000
Gross amount of duty in 1841	5,123,000

Estimate of the Import of Sugar for the Year 1841.

British plantation, Mauritius, and East India sugar in warehouse—

	Cwt.
In London, March 5	410,000
In outports, March 5	180,000
Total in warehouse	590,000

Expected import of sugar in the year ending April 1843:—

	Cwt.
West Indies	2,400,000
Mauritius	800,000
East Indies	1,700,000
	4,900,000
In warehouse	590,000
Total available in 1842-3	5,490,000

The quantity of sugar taken out for home consumption in 1841-2, 4,040,000 cwt., leaving a surplus above the largest consumption of sugar, 1,220,000 cwt.

(No. 14.)

REMOVAL OF DUTIES—EXPORT.

COFFEE.

There has been a reduction in the consumption of coffee.

	lb.
Entered for home consumption in 1840	28,708,000
— — — 1841	28,421,000
Gross amount of duty in 1840	£922,000
— — 1841	880,000

The duties on coffee are—

On foreign coffee	15*d.* per lb.
On coffee the produce of British possessions	6*d.* —
Coffee imported from any British possession within the limits of the East India Company	9*d.* —

The coffee of Hayti and Brazil take advantage of this. In dealing with coffee, or any similar article, it is important to make such a reduction as shall reduce the price to the consumer.

The Revenue for 1841 derived from the present Duties, viz.:—

	Revenue.
From British Possessions, 17,571,884lb., at 6*d.*	463,699
„ Foreign countries, 10,849,096lb., at 9*d.*, 1*s.*, and 1*s.* 3*d.*	427,947
Revenue received in 1841	£891,646

Assuming no increased consumption, the Revenue at the two duties of 4*d.* and 8*d.* per lb., would be:—

	£
From British possessions, 17,571,884lb., at 4*d.*	292,864
„ Foreign countries, 10,849,096lb.. at 8*d.*	361,636
Revenue for 1842-3	654,500
Revenue for 1841	891,646
Loss, assuming no increase of consumption	237,146
Assuming that the increase of consumption will be 10 per cent, viz., producing	65,450
Probable loss of revenue	£171,696

(No. 15.)

TIMBER.

Propose—on Canadian Timber—
Timber, 1*s.* duty.
Deals (loads), 2*s.* duty.
Lathwood, 2*s.* duty.

On foreign timber for the year ending the 5th of April, 1843,—
Foreign timber, 30*s.*
Deals, 35*s.* (cubical contents).
Lathwood, 20*s.*

For the year ending the 5th of April, 1844,—
Foreign timber, 25*s.* per load.
Deals, &c., 30*s.*
Lathwood, 20*s.*

The great object in reducing the duties on timber is to make such a reduction as shall benefit the consumer, and at the same time shall not injuriously affect the interest of Canada. Present rate of duty on foreign timber is 55*s.* per load; but take the average of duty on timber—deals, staves, lathwood, it does not exceed 41*s.* per load. Duty on colonial timber, 10*s.* per load; average duty, 9*s.*

Great object to place the Canadas as nearly as we can on the footing of an integral part of the empire. Do not lay down that rule generally, but peculiar position of Canada.

No. 1.

TIMBER.

Estimate of Revenue from the Timber Duties, from the 5th of April, 1842, to the 5th of April, 1843, at the undermentioned Rates, and assuming no increased consumption.

	£
Foreign timber, 180,000 loads at 30*s.*	270,000
Foreign deals, &c., 350,000 loads at 35*s.*	612,500
Foreign lathwood 25,000 fathoms at 20*s.*	25,000
Total of foreign timber	£907,500
Colonial timber, 570,000 loads at 1*s.*	28,500
Colonial deals, &c., 263,000 loads at 2*s.*	26,300
Colonial lathwood, 25,000 loads at 2*s.*	2,500
	£964,800
Actual revenue	1,566,291
Loss, supposing no increased consumption	£601,491

Estimated loss upon the proposed Duties upon Timber, from the 5th of April, 1843 to 1844, supposing an increase of consumption took place, as follows:—

Foreign timber, 201,600 loads, at 25*s.*	£252,000
Foreign Deals, &c., 420,000 loads, at 30*s.*	630,000
Foreign lathwood, 25,000 loads, at 20*s.*	25,000
Total of foreign timber	£807,000
Colonial timber, 684,000 loads, at 1*s.*	34,200
Colonial deals, &c., 326,000 loads, at 2*s.*	32,600
Colonial lathwood, 25,000 loads, at 2*s.*	2,500
Total of foreign and colonial	976,300
Actual revenue	1,566,921
Probable loss at this estimate	£589,991

In this calculation, it is assumed that the consumption of foreign timber would increase by 12 per cent., and of deal, 20 per cent.; of British possession timber 20 per cent., and on deals at 24 per cent.

SHORT REVIEW OF THE WHOLE FINANCIAL ARRANGEMENT.

	£
Estimated deficiency on present income for the year ending the 5th of April, 1843, is	2,570,000
Reduction on various articles of tariff, raw material, seeds, &c.	270,000
Coffee, loss on	170,000
Timber	600,000
Repeal of export duties	100,000
Repeal of duties on stage-coaches	70,000
	£3,780,000
Estimated amount of taxes	4,300,000
	£520,000

To meet increased estimates for India, increased charge for China, remission of duties on account of commercial treaties.

Lord *J. Russell* said, whatever opinion the House may ultimately entertain in respect to the plans now brought forward by the right hon. Baronet, no Member in this House can possibly entertain any doubt either as to the importance of those plans or to the great ability and clearness with which the right hon. Gentleman has explained them to the House. But, Sir, I should not think I were doing my duty, and I hardly think it would be consistent with the expectations of the right hon. Baronet himself and the Government, that on hearing plans so important and so extensive, now proposed for the first time, I should state any opinion as to the course I may ultimately take in respect to them. I shall, therefore, on the present occasion, make but two or three observations as to the general nature of the measures proposed. The right hon. Baronet has referred to the plans of the late Government; but without attributing any intentional misrepresentation on the part of the right hon. Baronet, I must say, that he was hardly correct in his view of the principles of those measures, for the reduction proposed in the duties on wine, corn, and coffee, in former years, can hardly be considered similar to the reductions now contemplated. But upon this topic I may hereafter take an opportunity to indicate those principles more particularly. The measure now proposed is, to call upon the country to make a great exertion, and by means of direct taxation to endeavour to equalise the revenue with the expenditure. The late Government did not think it advisable, on a view of the whole state of the country, to call upon the House to agree to any measure of direct taxation. I think the right hon. Baronet has exaggerated in some degree the nature of the occasion for which we are now called upon to legislate. We did not consider last year, that the crisis was at all similar to the state of the country in 1798, or at the period of the late war, when the country was called upon (and justly called upon) to make very great sacrifices, and to undergo great expense in naval and military preparations. The right hon. Baronet has told us, that in the course of six years, with the present deficiency, a debt of 10,000,000*l.* will have been incurred. Now in the year 1814 it will be remembered, that the drafts drawn by the Commissary-general in Portugal alone amounted to 10,000,000*l.*; and, again in 1815, the subsidies granted to the German powers amounted also to 10,000,000*l.*, independent of the other military and naval expenses. Lord Bexley, in a speech of his, stated that the amount of debt incurred in four years was no less than 160,000,000*l.* I am stating this merely as partly justifying the course we took last year; but it is quite a different thing for the Members of the Government to come forward, and state, that they refrain from calling upon the country to make any great exertion, or to incur any considerable sacrifice in the way of taxation; it is a different thing for the Government so to perform their duty, and for independent Members of Parliament to be parties in the refusal to comply with a contrary demand. I do not say this as meaning that I am at once to acquiesce in this proposition. Far from it; and I feel the difference of our situation now from that in which we were placed last year, in respect to the question which we may be called upon to consider. The right hon. Baronet proposes an income tax from which he expects to derive 3,700,000*l.*; and from the whole taxation from England and Ireland, under this head, 4,381,000*l.* The right hon. Baronet having stated this, proceeded to another part of his plan, in which he proposed to sacrifice a certain part of the surplus he would thus obtain in improving the tariff of the country, and taking away some of the more oppressive duties. The right hon. Baronet was more happy in speaking of this than any other part of his plan. The correctness and steadiness of the principles he then laid down, the principle of getting rid of prohibitory duties, is that in which we, on this side of the House, fully and cordially agree. And the more generally that principle is made applicable, the better will it be for the future position of the country. With respect to the mode of applying that principle as proposed by the right hon. Baronet, I cannot, at present, form any opinion. There are 750 or 760 articles on which the duties are to be reduced—the extent of which reduction we are to be informed on Monday next—but I may state, that this proceeding is in accordance, not only with the principles we professed when in office, but also with the speech which, under our advice, was made by her Majesty in August last. But, Sir, as to the application of those principles, both in regard to a measure that is now going through the House, and to the subjects adverted to by the right hon. Baronet tonight, I am disappointed that the sound principles do not go still further. The articles I speak of more especially are the important ones, timber and sugar. In making a sacrifice of 600,000*l.* of revenue, the right hon. Baronet would, I think, have done better if he had made the sacrifice on the article sugar, rather than on the article timber. Without giving any positive opinion, I do not think the advantage is equal to what would have been obtained by a greater sacrifice in the article of sugar. Notwithstanding the objections stated last year, and referred to by the right hon. Baronet to-night, in regard to slavery, I must say that we are, in respect to this article sugar, creating a monopoly, which up to a few years ago, did not exist. In former days, the object was to support the West India colonies. Now we are called upon to protect the East India colonies. Do the West Indies furnish the large quantities of sugar which the right hon. Baronet referred to to-night? By no means. The imports of the last year from the West Indies were even less than those of previous years. The increase has been from the East Indies, which, but a few years ago, came to us to demand an equalisation of the duties on East and West India produce, and to adopt those principles of free-trade, which it is now their interest to oppose. Every year that you go on refusing to admit foreign sugar into the British market, by imposing upon it a prohibitory duty, you encourage the growth of this monopoly-sugar in the East Indies, and place greater difficulties in the way of all improvement in your tariff. I object, therefore, to the determination of the Government on this point. With respect to the modes by which the Government plan is to be carried out, I have stated already that that is too important a point to give any decided opinion upon at present. I am glad to find that the right hon. Gentleman, though he does not take the view which we did upon these subjects, is willing to pay great homage to sound principles; and also that his measure is one of great importance, and which must be accepted or rejected as a great measure—and not as one of mere detail. In the present situation of the country, whatever view is taken, it must be confessed by all parties that the Government have acted in a manner worthy of the Government of a great country, in proposing such a measure on such principles. And without reference to the conduct of the Ministry, of which I had the honour to be a Member, we shall now endeavour, to the best of our ability, to form that judgment which we may think most useful to the country, and likely to give finally the most content to the people, and to maintain that high character which I trust every Member of the House feels equally the importance of, whether he sits on one side or the other.

Mr. *O'Connell* conceived that there could be no more legitimate source of taxation than ardent spirits, and he should not object if that taxation were prohibitory in its amount—but there was this danger in the present proposition, that it would increase the evils of private distilleries in Ireland, and it was well known that all crimes connected with smuggling arose from illicit distillation. Never was there a period when it would be more objectionable to recreate that evil in Ireland than the present. The last reduction in the duty on spirits in Ireland had almost put an end to illicit distillation, but the present proposition, which was to make an increase about equal to that reduction, would probably have the effect of reviving it. Then, with respect to the Irish distillers. He was glad to find that the right hon. Baronet had at length discovered the inexcusable wrongs that had been inflicted upon Irish distillers. The Scotch distiller could send his spirits into Ireland in bond, but the Irish distiller could not send his spirits into Scotland in the same way. Then, again, the duty on Irish spirits was taken as they came from the still, no allowance being made for evaporation or leakage. This was not the case with regard to the Scotch or the English distiller. The attempt to collect an income tax in Ireland would be a total failure. This was not a property tax, but an income tax, and he could promise the machinery for collecting it would cost more than the revenue they would obtain from it. To tax Irish peasants was to tax mere moonshine. He was sorry to hear the right hon. Baronet say that it was his intention to assimilate the stamp duty in Ireland. He thought this would be productive of much evil. They were more in the habit of relying in Ireland upon plain paper. The House was not aware of the importance of this consideration. It should be remembered, too, that this was one of the compensation taxes of the Union—the dissimilarity of the stamp duties between the two countries. This charge was to be put upon Ireland, as it was said, to make her bear her due proportion of the English burdens, and that statement had been cheered; but when Ireland asked for a fair proportion of English rights, hon. Gentlemen did not cheer then. Hon. Members forgot the financial robbery of Ireland that had taken place at the union with England. At that period England owed 446,000,000*l.*, Ireland owed only 1,000,000*l.* The interest on the English debt was nearly 17,000,000*l.*, and Lord Castlereagh stated at the time that Ireland should never be called upon to pay any portion of the English debt, and that England would provide for this 17,000,000*l.* by separate taxation. But had England done this? Of late years she had not paid in separate taxation more than 6,000,000*l.* a-year, and of that difference the difference in the stamp-duty formed a part; and if they imposed an income tax on Ireland she would have still have to pay 8,000,000*l.* a-year more than her fair share of the public burdens. Ireland could not afford additional taxation. They had already lowered the revenue of Ireland by the admission of foreign provisions. He hoped the right hon. Baronet would take the case of the distillers into consideration, though he trusted that he would not obtain the revenue he expected to derive from spirits.

Viscount *Howick* agreed with his noble Friend (Lord J. Russell), that the proposals of the Government were too important to render it possible for those who heard them then for the first time to express any opinion upon them. In compliance, therefore, with what seemed to be the general understanding, he should abstain from any remarks upon the general proposition, reserving himself until the papers which the right hon. Baronet had promised to lay before them should be in the hands of Members. He should then be prepared to consider fairly those proposals totally apart from all party feeling. His only object in rising was to ask the right hon. Baronet what course he proposed to pursue? Very great anxiety would be felt in the town and in the country as to what might be the ultimate decision upon the Government measures; and it was therefore important that no unnecessary delay should take place in giving the House an opportunity of expressing an opinion upon them; and it was also important that they should know as soon as possible what were the means by which the largest of the proposed new taxes, the income tax, was to be raised. He, therefore, wished to know what course the right hon. Baronet intended to pursue.

Sir *Robert Peel:* Sir, I did not expect that on a subject of such magnitude as that which is now before us the House would deem it expedient to come to any immediate resolution. The noble Lord will bear in mind that I deprecated the expression of any immediate opinion, and that I thought it best, that, in the first place, the whole scope of my plan should be weighed and considered. To that opinion I adhere. As regards myself, however, the method of proceeding which the House may think fit to adopt is a matter of indifference. I am ready, if it be considered desirable, to draw up the amended tariff, in the most clear and distinct form, and to lay it on the Table immediately. It does not appear to me that any injury could arise from a short delay in the votes on the income and coal tax. But much inconvenience, I think, might be caused by the postponement of the resolution having reference to spirits. For the framing of that resolution supposes, that even if the proposed duty be not adopted, the revenue shall not suffer. What I should propose is, that the resolution relating to the tax on spirits should be agreed to in that qualified shape, and I hope the House will not object to pass it in that form. This resolution is now laid on the Table, and the House will bear in mind the great importance of proceeding with it, as speedily as possible, consistent with the due deliberation which such a subject calls for, as commercial dealings in the meantime are in a great measure at a stand-still. I can only say, that whether the resolutions be adopted or not, the sooner the decision is come to the better will it be for me, for the prosecution of the public business, and for the country. In short, we should proceed as rapidly as possible. With respect to the Corn-Bill, while I have no personal wish on the subject, I should propose that as, (until the measure be passed), uncertainty and interruption are caused in the Corn-trade, we fix the committee upon that bill for Monday. With the present resolutions I shall proceed as rapidly as I can. But as, probably the amended tariff will not be immediately in possession of hon. Members, I should propose to take the resolution on the income tax on Friday, and the committee on the Corn-bill on Monday.

Lord *J. Russell* was understood to say, that it was not his wish to offer any further opposition to the Corn Bill, and, therefore, it would be useless for him to propose any amendment on that bill with respect to the amount of duty; but there were some hon. Members who intended to make proposals and require explanations, which would have the effect of protracting the discussion, and he thought, therefore, that it would be impossible to go into the discussion of the Income-tax on the same night as that set apart for the consideration of the Corn-laws.

Sir *R. Peel* thought it important to ascertain the opinion of the country on his proposal; he would, therefore, not proceed with the further consideration of his resolutions till Friday next.

Mr. *Hawes* complained that, on Thursday night, when the Exchequer-bill question—so deeply interesting to a numerous body of individuals, and which Government ought to have brought on a month ago—stood for discussion, not one Member of the Government was present. Care was taken that no House should be formed on an evening when important business stood on the paper, when the hon. Member for Sheffield had intended to move for a select committee to inquire into the special burdens peculiarly affecting the landed interest in this country. Without pronouncing any decided opinion at present on the plan of the right hon. Baronet, he felt that he should be unmindful of the duty which he owed to that constituency which he had the honour to represent, many of whom were engaged in the timber trade, if he forbore to protest against the alteration proposed with regard to the timber duties. He objected strongly to the proposed mode of taking the duties on timber—namely, by the cubic contents, a mode which, if not utterly impracticable, could not be adopted without the greatest inconvenience to the trade. He trusted, therefore, that the right hon. Baronet would, in compliance with the representations which would no doubt be made at the Board of Trade, see the propriety of modifying this part of his project. He could not help taking a general review of the scheme of the right hon. Baronet. On the whole, he did not think it likely to give much satisfaction. The only thing they were sure of was a very large amount of direct taxation, with some special exemptions. Now he thought the House entitled to more information as to the resources of the country before they were called upon to pronounce this amount of taxation necessary. The right hon. Baronet congratulated himself on the increased consumption of sugar, but he (Mr. Hawes) contended that the consumption per head had, on the contrary, diminished. In 1831 the consumption per head was 26lbs, whilst in 1841 it was only 24lbs. The duty on foreign coffee too he thought enormous, and there were several other points open to objection. He did not see that a satisfactory system of compensation was adopted in the proposed tariff. In fact the only thing the country would get by the affair was a positive amount of taxation.

Sir *R. Peel* begged to assure the hon. Gentleman, that no one was more agreeably surprised to find the House not sitting on Thursday evening than himself. He had only asked for postponement for one day, on the same ground as that alleged by the hon. Member for Wolverhampton, and he certainly thought, that after sitting for three nights until past one o'clock, there was nothing unreasonable, having a measure of such importance to bring forward, in allowing an interval of one day to pass.

The *Chancellor of the Exchequer* said, that in consequence of several amendments which had been suggested with reference to the Exchequer-bill fraud by competent persons, it had been found necessary to submit to a slight postponement in bringing the matter forward.

Lord *J. Russell* wished to know what number of names the right hon. Gentleman proposed to place on the commission.

The *Chancellor of the Exchequer*—Three.

Mr. *Blewitt* wished to know what had been done with the money paid for the ransom of Canton? Government had no right to apply that money without the consent of the House.

The *Chancellor of the Exchequer* said, he had laid the papers relating to the ransom money on the Table of the House, in which the hon. Member would find an account of the manner in which it had been disposed of. It was his intention to bring in a bill to justify the appropriation of that money.

Mr. *T. F. Baring* agreed with the right hon. Gentleman that it would be right to obtain parliamentary sanction for the appropriation of the money. He, while he should offer no obstruction to the speedy passing of the Corn Bill, must enter his protest against being considered to approve of that measure, or of the resolutions now proposed by the right hon. Baronet. The considerations urged by the hon. and learned Member for the county of Cork were of much importance, and he would remind the House that it had happened before in Ireland that in adding to the nominal duty on articles, they had actually diminished the amount of revenue accruing from those articles. Questions of the magnitude and importance of the present should be considered rather with a view to their whole character than to any particular detail. Direct taxation had hitherto been looked upon as a weapon, kept in the armoury of statesmen for times of war, and other occasions of great and pressing emergency. Measures involving the commutation of taxes from one class to another, should be entered upon with the utmost caution. He concurred fully with his noble Friend, that they should be careful, while meeting the difficulties of the case, to maintain the reputation for good faith which this country had always enjoyed, and he (Mr. Baring) would pledge himself that, in the consideration of this question, he should forget party feelings, and deal with the propositions of Government precisely in the same spirit as if they had emanated from those with whom he acted himsef.

Mr. *Childers* asked the right hon. Baronet what would be the terms of his intended proposal regarding the importation of foreign provisions and live cattle?

Sir *Robert Peel:* I purpose to remove the prohibition—to admit foreign provisions and live animals on certain terms. These terms will be included in the tariff. I feel that I ought not to be called on for more particular explanations just now. Those explanations will be given in due time, but in the mean time I cannot give them to individual Members.

Mr. *Hodgson Hinde* felt called on to make a few observations to that part of the right hon. Baronet's scheme proposing certain duties on the exportation of coals. He thought the proposal to renew the duty was by no means a feasible or prudent one. The right hon. Baronet had grounded this proposition on three expectations—first, that the revenue would be increased by it; secondly, that it would economise the whole; and thirdly, that it would be a protection to our native industry against foreign manufactures. Now, those who were well acquainted with the foreign coal trade, knew that that trade had grown up since the duty on exportation was removed. If the duty was renewed, the export would fall off, and though the right hon. Baronet might obtain 50,000*l.* or 60,000*l.*, the amount before raised from this service, he would not obtain near what he (Sir R. Peel) expected from the measure. The right hon. Baronet was also somewhat mistaken in thinking that the measure would economise the supply of coal for this country. This idea was fallacious. The coal exported was small coal, which was separated from the larger coal, that must be taken out of the ground whether the small coal was in demand or not. The consequence of a decrease of exportation would therefore be, that the amount of that exportation would be wasted, but not that a smaller quantity would be taken from the bowels of the earth. The other portion of the right hon. Baronet's argument, that the measure would afford protection to native industry against the competition of foreign manufactures, might be valid if the countries to which we exported the largest quantity of coals were our rivals in manufacturing industry, and those from which we might chiefly fear competition. But any Gentleman who looked at the papers that had been laid before the House would see that this was not the case. Our exports of coal to Holland, Denmark, Sweden, Norway, Spain, Portugal, Russia, and the United States of America, amount to 1,129,000 tons. These were not the countries from which our manufacturing industry feared competition, and the export of coal to Belgium and the German States, which were our chief rivals, was not more than a ninth part of the quantity he had stated. He therefore hoped that the Government would not persist in re-enacting a measure, the relaxation of which, at a former period, was held to be of such benefit to the country.

Mr. *Wakley* said, that though the subject which had been brought forward to-night was very extensive, and embraced a vast number of topics, he, nevertheless, could not refrain from saying a word or two upon it. Very great credit, he thought, was due to the right hon. Baronet for the able speech he had made this evening. That speech was remarkably lucid, and embraced very large and statesmanlike views. He was perfectly satisfied that if his principles generally were carried out they would be ultimately of the greatest advantage to the country, and would give such an impulse to trade and commerce as would confer the greatest benefit on the nation. That part, however, to which he intended to take exception, which gave great pain to him, and which would be productive of great annoyance out of doors, was the tax which the right hon. Baronet was about to impose upon income. For this, he very much feared that the right hon. Baronet's old supporters would again complain of him. He believed they would declare that the right hon. Baronet had manifested great caution up to a certain period, but up to that period his caution had yielded. He believed that this would be a most unjust tax. ["*No.*"] Hon. Gentlemen might exclaim "no," but he said "yes." The people of this country were prepared for a tax upon property. They were quite prepared that that tax should be imposed in strict accordance with the amount of property. Now, inasmuch as the Government had manifested so strong an attachment to a graduated scale with reference to the food of the people, he thought they might be induced to apply the graduated scale in reference to this tax upon property. The people, would, therefore, be at a loss to find out why her Majesty's Government should profess so strong an attachment to a sliding-scale in reference to corn, and an attachment for a fixed duty in reference to income and property. In a state like this, where it was presumed that they had the full protection of the law—that all the rights the law conferred with reference to the liberty of the subject should be enjoyed, was it in such a state as this, that they should be called upon to contribute to the taxes of the country according to his means? But it appeared that the right hon. Baronet was making the same principle apply which was made to apply before. He declared an Income tax to be the most unpopular tax that was ever introduced in England. The right hon. Baronet had stated a proposition with reference to farms and farmers. Now, being somewhat of a farmer himself, he felt a very strong interest on this point. If he understood the right hon. Baronet correctly, the case was this—that, supposing a man rented a farm at 300*l.* a-year, it was to be presumed that his profits were to be 150*l.*

Sir *R. Peel* said, that with respect to the occupying tenant, the property to be assessed was to be determined with reference to the amount of his rent. It was assumed, under the former law, that the profits amounted to three-fourths of the rent he paid, but he (Sir R. Peel) thought that that was too great an assumption, and he accordingly proposed that the profits should be supposed to be only one half. If a person rented a farm at 400*l.* a year, he would presume that his profits were 200*l.*, and he would be assessed accordingly. If, however, he paid only 299*l.* a year rent, he would escape altogether.

Mr. *Wakley* begged to ask the right hon. Baronet, whether he was aware that, by such a proposition, he was giving a benefit to the landed proprietor as well as to the farmer. He wanted to know why a different rule should be pursued with reference to a farmer from that which was pursued with reference to a tradesman. The right hon. Baronet must be aware that the farmer sometimes rented a farm under 300*l.* a year, but had got a capital on his estate of 5,000*l.* or 6,000*l.*, and his profits amounted sometimes to 1,000*l.* a year. ["*No, no,*"] He said "Yes, yes," and he could prove it. Now such a person would (if the proposition of the right hon. Baronet be carried out) be subject to no Income-tax. On the other hand a tradesmen in Finsbury would have to pay a heavy Income-tax, though his capital might not amount to 5,000*l.* He hoped that this point would be reconsidered, for the principle upon which it was proposed to act was most unjust, and would be productive of the greatest discontent throughout all classes.

Mr. *S. Wortley* was greatly surprised at the astounding assumption of the hon. Member for Finsbury. He had no doubt that if the hon. Member proved that any farmer, who only paid 300*l.* a year rent, made 1,000*l.* a year profit, the right hon. Baronet would take every care that such an income would not escape taxation.

Mr. *Wakley* said, he only put this as an extreme case. He only said, supposing a man who only paid 300*l.* a year had a profit of 1,000*l.* year out of his farm.

First resolution agreed to.

"2. On the the question, that the malt allowance now payable on every gallon of spirits distilled in Ireland from malted corn only, not being mixed with any unmalted corn or grain shall cease and determine."

Mr. *O'Connell* said, he did not wish to detain the House, but he hoped that the right hon. Baronet would not press this resolution upon the House. It was the only one that sought to be pressed forward. He hoped that an opportunity would be given to the distillers in Ireland to be heard against it.

The *Chancellor of the Exchequer* said, that the right hon. Gentleman appeared to mistake the position in which they were placed. The moment the intention of her Majesty's Government was announced with respect to this subject, the distilleries in Ireland would increase the price of their whiskey. The only object her Majesty's Government had, was to enable it to obtain the increase in the duty which the distiller would at once exact from his customer.

Resolution agreed to.

The *Chancellor of the Exchequer* moved,

"3. That, towards making good the supply granted to her Majesty, the sum of 8,000,000*l.* be granted out of the consolidated fund of the united kingdom of Great Britain and Ireland."

Mr. *Ward* understood, that, in his absence, a question had been asked as to whether he intended to persevere in the motion of which he had given notice for last evening. Not, however, having had an opportunity of bringing that motion on in consequence of there having been no House yesterday, notwithstanding there was a Government measure to be brought forward in committee; namely, the "Forged Exchequer-bills Bill," he conceived that the discussion upon his motion should be taken before the Corn-law proceeded any further; and, therefore, he intended to proceed with the measure unless the right hon. Baronet would be willing to give him the committee which he sought for.

Sir *R. Peel* said, so far as he was concerned, the hon. Gentleman was greatly misinformed if he imagined he had put such a question. With respect to there not having been a House last evening, he must say that he was agreeably surprised at such a circumstance. That being the case, he hoped the hon. Gentleman would take another course than that he had just stated his intention of adopting. He hoped he would postpone his motion to the next notice day.

Mr. *Ward* said, that if his motion were for this evening, and that he were asked by the right hon. Baronet to give way to him, he should have done so at once, out of respect to that right hon. Gentleman and the important subject he was about to bring forward; but it was a very different question to postpone this question beyond Monday next, as it ought, in point of fact, to be preliminary to the Corn-law. He begged to assure them, though he did not wish to throw any factious opposition in the way of the right hon. Baronet, he felt the question of so much importance that he should bring it forward on Monday, unless the right hon. Baronet was disposed to entertain his proposition, and give him the committee he asked for.

Mr. *Hindley* hoped the right hon. Gentleman would give this assurance.

Sir *R. Peel* begged that no inference whatever would be drawn from his silence on this point. When this motion should be brought forward, he would then state his intentions relating to it.

Mr. *Ward* would persevere with his motion on Monday.

Colonel *Sibthorp*, before the committee agreed to the vote, begged to state that he was not altogether satisfied with the proposition of the right hon. Baronet. He did not see why the Irish gentlemen should be exempted so much from this taxation. The Irish gentlemen should bear an equal portion of the taxes as the English.

Mr. *O'Connell* said he thought he could prove the hon. and gallant Gentleman to be an Irishman. There was a statute of Henry the 6th, declaring that every person wearing hair on the upper lip should be considered an Irishman.

Resolution agreed to. Report to be received.

WEST INDIA CLERGY.] Lord *Stanley* then moved the Order of the Day for going into committee on the West India Clergy Bill.

On the motion that the Speaker do leave the Chair.

Mr. *Pakington* said, that perhaps he ought to have made any observations which he intended on the second reading of this bill; but he was not in London. He begged to say, that he did not feel the slightest opposition to the measure;

indeed, it met with his most cordial approbation. He had already declared his opinion, that wherever the authority of the British Crown existed, proper provision should be made for the Established Church. He thanked the noble Lord the Secretary for the Colonies for the measure; he should have received it gratefully from any Government, but he thought it came with peculiar grace from the noble Lord, who had mainly been the instrument of carrying the great measure of Negro Emancipation. On the introduction of the bill, the noble Lord had said, the alterations proposed would be attended with no increase of expenditure, but he hoped that, supposing the existing allowance had been found insufficient for the enlarged establishment, the noble Lord would not have shrunk from making a further provision. He conceived that the principle of such measures was to make adequate provision for the spiritual wants of the colonies, and at the same time to give a proper remuneration to the persons appointed. He wished, therefore, to draw the attention of the noble Lord to the case of the Bishop of Toronto, who presided over a very extensive diocese, and was not provided with means adequate to support the dignity of his position. The late Secretary for the Colonies, Lord Glenelg, had divided the diocese of Canada, and made Toronto a separate see, on the distinct understanding that no salary would be attached to it. The professional income of the Bishop was only 600*l.* or 700*l.* per annum, which was derived from the Archdeaconry, and the living of Toronto, and it was only by holding these pluralities that he had this income. He might probably be told that the point would be settled in the Canada Clergy Reserves Bill; but at present there were no funds arising from that source which could be applied to the present case. He called on the noble Lord to make some temporary provision for the see of Toronto, until the operation of the Canada Clergy Reserves Bill included it.

Mr. *O'Connell* said, he should make no objection, if the hon. Member for Droitwich, proposed this addition to the income of a Protestant Bishop out of an ecclesiastical fund, but when it was proposed to take money from the consolidated fund for the purpose of providing for the spiritual wants of a particular denomination, he could not conceive that any right to do so existed. The hon. Member said, that 600*l.* per annum was too small a stipend for a Bishop—but the Protestant Bishop of Nova Scotia had an income of 2,000*l.* per annum; and the Roman Catholic only 75*l.* If the stipend were paid out of the consolidated fund, no such difference should be made.

Sir *Robert Inglis* heard with great pleasure from the hon. and learned Member for Cork, that he would not interfere with the regulations of the bill; he, therefore, should claim his vote against the amendment of the hon. and gallant Member for Marylebone, for reducing the number of Bishops. He felt with the hon. Member for Droitwich, that the increase of the number was doing well, but he thought that the Government need not have reduced the remuneration to the lowest possible amount. He was confident that if an appeal had been made to Parliament, they would have granted a higher remuneration.

Sir *C. Napier* asked if he understood the noble Lord the Secretary for the Colonies aright in stating that there would be one Bishop at Berbice, one at Barbadoes, and one at Antigua, and which of them was to have 3,500*l.*

Lord *Stanley* hoped that the bill would be discussed in committee. He had found that the Bishop of Barbadoes had 4,000*l.* per annum, and three Archdeacons 4,500*l.*, and it was his intention, with the consent of the Archbishop of Canterbury, and by the advice of the late Bishop of Barbadoes, to create three bishoprics with stipends of 3,500*l.*, 2,000*l.*, and 1,500*l.* per annum, which would be paid by the sum at present granted.

House in committee.

On the first clause being read,

Sir *C. Napier* rose to move the amendment of which he had given notice. He thought it quite proper there should be a bishop of Berbice and Demerara; but he did not see the least reason why, when there were steam-boats to carry the bishops from one place to another with the greatest facility, there should be one at Barbadoes and another at Antigua. Travelling from one of these places to another was like going on a party of pleasure. Another objection which he had to the proposed measure was, that he did not know who was to be the cheap bishop. It was impossible for a bishop to live in a proper manner on 1,500*l.* a-year in the West

Indies, and it was equally impossible for an archdeacon to live on 500*l*. a-year; and he was afraid that next year the noble Lord would come down to the House and propose an increase in their salaries. Under these circumstances he thought the number of bishops be reduced from three to two, and he begged leave to move that the word "two" be substituted in the clause for the word "three."

Lord *J. Manners* hoped the hon. and gallant Commodore would not persevere in his motion for a reduction in the number of the bishops. The grounds of the hon. and gallant Member's opposition hardly bore him out in his proposition. If the noble Lord should come down to the House next year to ask for more money for these bishops, that would be the time for this amendment, but until then, there did not appear to him to be any sufficient reason for asking the House to curtail the number of the bishops. It was his sincere conviction that it was beneath the dignity of a great and important country which could afford to spend millions in armaments to Syria, India, and China—it was, he considered, wholly beneath the dignity of such a country to haggle and peddle about some few hundreds which were wanted for ecclesiastical purposes. The hon. and gallant Member was himself a living proof of the might and puissance of the empire. To whatever quarter of the globe he might have sailed, he must have heard the sound of the English language, and have there seen the English flag. He certainly felt some surprise, therefore, that the hon. and gallant Member should oppose the propoposition for those additional dignitaries for the colonies.

Lord *Stanley* hoped the hon. and gallant Officer did not seriously intend to press his motion. He (Lord Stanley) declared himself incompetent to discuss the question as to a proper provision for the bishops; and whether the hon. and gallant Commodore was more competent to decide the matter than the heads of the Church, he should leave the hon. and gallant Commodore himself to determine. The question ought not to be treated in the mode adopted by the hon. and gallant Commodore. It was very well as a joke to describe the visitations of the bishops once a-year as parties of pleasure—but the hon. and gallant Member should recollect, that one of the objects of the present bill was to prevent bishops having such extensive dioceses as to preclude them from visiting all parts more than once a-year. When the increasing population of the West Indies was taken into consideration, and also the earnest desire for religious instruction which prevailed there an additional responsibility rested on Government to provide for their spiritual wants. When Government came into office, the bishopric of Barbadoes was vacant, at least the bishop had tendered his resignation, and it was only incomplete in some matter of form. By this step, Government might, had it so chosen, have filled up the appointment, which was endowed with an income of 4,000*l*. a-year, and 1,000*l*. retiring pension. Bnt, instead of so doing, Government, after a consultation with the heads of the Church, had thought it better, with the approbation of the heads of the Church, to create three dioceses out of the one bishopric, and to distribute the funds of the bishopric among them. It had been found necessary so make this division in order to supply the clerical necessities of the population. The three archdeacons were to be created bishops, and they were to have the funds of the bishopric assigned between them. The course Government had thought fit to adopt was not to increase the patronage and emoluments of the bishops, but to give the archdeacons that power over the clergy in their dioceses, by conferring on them a higher rank. He had, therefore, determined to advise her Majesty to divide the bishopric into three dioceses, and to confer them on the three archdeacons. The duties had been assigned, and the emoluments divided, under the sanction of the heads of the Church, and he had no intention to come down to Parliament hereafter for an increase of salary. He trusted, therefore, that the House would accord in a measure which had received the sanction of all parties

Mr. *V. Smith* could not vote with the hon. and gallant Member for Marylebone, because he was satisfied with the reasons assigned for appointing three bishops. He hoped that the noble Lord would consider himself pledged not to require any addition to the salaries hereafter, and stated his dissent from the unequal apportionment of them proposed by the noble Lord, for which he had assigned no reason. He saw, though with much regret, that it was owing very much to the neglect of the Church of England in the West India colonies that the Dissenters were able to do so much more than the Church in those colonies. He trusted, however, that the noble Lord did not mean to establish a bishoprick in every colony, because nothing could be more detrimental, and especially to the spread of the Church of England itself, than the establishment in all the colonies of thestate religion of this country. The hon. Member concluded by suggesting, that in the present bill, retiring pensions should be provided for bishops no longer able to perform their duties.

Mr. *William Williams* would support the amendment of the hon. and gallant Commodore, because he believed that a Bishop in the West Indies could not live upon 1,500*l.* a-year, and that, before two years passed by, the noble Lord or his successor would come down to the House and make a strong appeal to Parliament for an increase of these salaries. It was, besides, a great injustice to the people of this country that they should be taxed to pay for Bishops in the West-India colonies. Those colonies ought to pay for their bishops. The people of this country had quite enough to do to maintain their own bishops, and were taxed quite sufficiently for these colonies, without paying anything more. To protect these new colonies they had already to pay a double price for their sugar. Had the noble Lords opposite heard the right hon. Gentleman's statement of the embarrassment of our finances? What had brought our finances to this state, but expenditure like this, which was quite uncalled for? If he went through all the items of our expenditure he could point out how they could save the whole amount of the taxes now required, without impairing the efficiency of any part of the public service. The hon. Gentleman the late Under Secretary for the Colonies (Mr. V. Smith), had asked the noble Lord (Lord Stanley) to assure the House that he would not come down and ask for an increase of salaries to these bishops, but he believed, that if the hon. Gentleman himself were in office, he would be just as likely to propose such an increase as the noble Lord.

Mr. *Vernon Smith* was perfectly ready to pledge himself, that he would make no such proposal.

Mr. *Borthwick* had sat quite long enough in that House to know that the less was said so much the better, and he had never seen that maxim better illustrated than the speech of the hon. Gentleman; for this was not a question of money, but simply of an increase of bishops; and he was satisfied that there would be no demand for more money, and that the Bishop of Berbice could live very well on 1,500*l.* a-year.

Sir *C. Napier* assured the two noble Lords opposite, that he was quite as sensible of the value of religion as any noble Lord. He made no joke about the party of pleasure. He said, that now steam communication was established, the Bishop of Barbadoes might make a round of visits to all the islands in fourteen or twenty-one days. He had as much respect for the Church as the noble Lord, and he never would have proposed to give a bishop in the West Indies, where living was expensive, such a salary as 1,500*l.* a-year.

Lord *Stanley* said, that if that was the only objection he could easily remove it, for the Bishop of Berbice and Demerara, in addition to the 1,500*l.* a-year out of the consolidated fund, would have 500*l.* out of the colonial revenue, which he now received as archdeacon, so that he would receive in all 2,000*l.* a-year.

Mr. *O'Connell*, in allusion to the claim of the hon. Gentleman the Member for Oxford University, for his vote, begged to say that he did not mean to vote.

The committee divided on the question that the word "three" stand part of the clause: Ayes 126; Noes 17; Majority 109.

List of the Ayes.

Ackers, J.
Acton, Col.
Ainsworth, P.
Antrobus, E.
Arkwright, G.
Attwood, M.
Bailey, J.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barneby, J.
Barrington, Viscount
Baskerville, T. B. M.
Bell, J.
Blackstone, W. S.
Borthwick, P.
Broadwood, H.
Bruce, Lord E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Corry, rt, hon. H.
Courtenay, Viscount
Cripps, W.
Crosse, T. B.
Dawnay, hon. W. H.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duncan, G.
Duncombe, hon. A.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Evans, W.
Filmer, Sir E.
Fitzroy, Captain
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Captain
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grey, rt. hn. Sir G.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.

Herbert, hon. S.
Hinde, J. H.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Hope, A.
Hornby, J.
Howard, hn. E. G. G.
Inglis, Sir R. H.
Johnson, W. G.
Johnstone, Sir J
Jolliffe, Sir W. G. H.
Jones, Captain
Knatchbull, rt. hon. Sir E.
Knightly, Sir C.
Larpent, Sir G. de H.
Legh, G. C.
Lincoln, Earl of
Lindsay, H. H.
Mackenzie, W. F.
Mainwaring, T.
Manners, Lord J.
Master, T. W. C.
Miles, P. W. S.
Morgan, O.
Morris, D.
Mundy, E. M.
Murray, C. R. S.
Newry, Viscount
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Rushbrooke, Colonel
Scott, hon. F.
Sibthorp, Colonel
Smith, rt. hn. R. V.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tancred, H. W.
Trotter, J.
Vere, Sir C. B.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Wawn, J. T.
Whitmore, T. C.
Wilbraham, hon. R. B.
Wilde, Sir T.
Worsley, Lord
Wortley, hon. J. S.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Hope, G.

List of the Noes.

Aldam, W.
Berkeley, hon. C.
Berkeley, hon. H. F.
Bernal, R.
Bowring, Dr.
Brotherton, J.
Crawford, W. S.
Duncombe, T.
Forster, M.
Gordon, Lord F.
Gore, hon. R.
Leader, J. T.
Murray, A.
O'Connell, M. J.
Powell, C.
Wakley, T.
Wood, B.

TELLERS.

Napier, Sir C.
Williams, W.

Remaining clauses of the bill agreed to the House resumed, and the report received.

Exchequer Bills Loan Acts.] House resolved itself into a committee of the whole House to consider the Exchequer Bills Loan Acts.

The *Chancellor of the Exchequer* said, that the subject which he was about to bring before the attention of the committee, was one of considerable importance, but upon which he did not apprehend that any great difference of opinion would prevail. The committee was aware that commissioners had, some years since, been appointed to whom Exchequer-bills were entrusted with a view to their being advanced for the purpose of carrying on public works upon good security for the re-payment of their amounts being given. The object which he had in bringing this subject before the committee was, to continue that system for a limited time, but upon a footing more advantageous to the public. The course had been to make advances on Exchequer-bills, which were sold in the market, and at the end of twelve months, were exchanged by the Government for supply bills; and so they formed part of the unfunded debt of the country The amount of the advance, being subsequently repaid, was carried to the general account of the Consolidated Fund, and the result was, that we went on spending as income the money which should have been applied to getting rid of debt. In 1837, it was proposed, that this system should be put an end to, and that, instead of these bills being converted into supply bills, they should be annually discharged, and the inconvenience of increasing our funded debt thus obviated. The result of this was beneficial in one sense, but had led to other inconvenience; it was this, that these Exchequer-bills became depreciated in the market, and were only taken at par by the commissioners of the national debt on account of the savings banks, and held by them; and at this moment the bulk of these bills were held by the commissioners, and were liable to be paid off in money. He need not state to the House that, under the existing circumstances of the country, the payment of an amount exceeding one million at the end of the April quarter, would be a measure which would produce extreme inconvenience to the public finances. He, therefore, proposed that the commissioners of the national debt should avail themselves of the power which they possessed by law, and should deliver up the Exchequer-bills of this character which they held for the purpose of being cancelled, receiving stock in exchange for it under the provisions of the law as it now stood. Having, therefore, disposed of these bills, the accumulation of which was mainly attributable to the vote of large sums of money for the construction of workhouses in Ireland, it would rest with Parliament to decide what course should be adopted in future. There were two lines which might be pursued. Parliament might, in the first place, say that it would not sanction the continuance of advances of this description; or, secondly, it might make arrangements to obviate the possibility of similar difficulties again arising. His own opinion, was that the system of making advances for carrying on public works, was one which it would not be wise to depart from, more especially considering that it had been carried on with advantage and profit to the public. From papers which had been laid before the House, it appeared that the repayments receivable by Government would amount to 360,000*l.* a-year, and, as a sum of that amount would enable these commissioners to continue their advances to applicants upon the scale upon which they had before acted, the proposition which he submitted to the House was, that the money paid in on account of the repayment of the loans already advanced, should be re-advanced upon the proper securities to the parties applying. By this means a constant circulating fund would be provided, which would enable them to provide for the wants of the country with regard to the execution of public works, which would not increase our unfunded debt, and which Parliament might, at any time, put an end to, if it were discovered that the system did not work well. He proposed, that the bill to be introduced to carry out this plan should be in force only for a limited period, and that it should render the works in England, Scotland, and Ireland equally entitled to the advantages of the system, provided their conductors were equally able to give security for the repayment of the money. This was a necessary enactment with regard to Ireland, because it appeared that sums had been granted for the completion of workhouses there, which had been found to be insufficient for the complete fulfilment of the object in view. He believed, that the House would concur in this measure, and that they would be the less disposed to object to it on account of the admirable mode in which the commissioners, who had heretofore managed these advances, had conducted the duties of their department. The public knew the merits of those individuals, and they ought to know also that they had discharged their duties entirely gratuitously. They were persons of consideration, and whose time was highly valuable to them; but they had given up other engagements for the purpose of investigating claims made upon the public; and having done so, the cases were rare indeed of any loss having been sustained by the public. To one, more especially—he meant Mr. Harrison—who had for twenty-five years devoted himself almost incessantly to the public service, and with the greatest advantage, the thanks of the public were more especially due. Having made this explanation of his views, he should propose a resolution to the committee embodying his proposition, which would form the foundation of a bill to be hereafter introduced. The right hon. Gentleman concluded by moving the following resolution.

"That her Majesty be enabled to direct issues to be made out of the consolidated fund of the United Kingdom of Great Britain and Ireland, to an amount not exceeding 360,000*l.* per annum, to commissioners, to be by them advanced towards the completion of works of a public nature, for the encouragement of the fisheries, or the employment of the poor, on due security being given for the re-payment of the sum so advanced."

Mr. *F. T. Baring* expressed his entire concurrence in the views of the right hon. Gentleman, and his approval of his proposition, which appeared to be nearly exactly similar to one which had been before him while he was in office. He must also express his cordial concurrence in the observations of the right hon. Gentleman with regard to the services of Mr. Harrison. He believed, that the public was much indebted to that gentleman for his eminent services; but the tribute of the public respect came better from the right hon. Gentleman, who was in office, than from him.

Mr. *Hardy* would caution the Government to discourage over-speculation by its loans, which only produced ruin to the speculator and those trusting to the success of his exertions.

Resolution agreed to.

House resumed. Report to be received this day.

Adjourned.

HOUSE OF COMMONS,

Saturday, March 12, 1842.

Minutes.] Bills. *Public.*—3º Newgate Gaol, (Dublin) *Reported.*—Queen's Prison.

Petitions Presented. By an hon. Member, from the City of Dublin, that every individual in British India, and other portions of the Queen's dominions, shall be declared free.—By an hon. Member, from the Eastern district of Lambeth, for the Redemption of the Tolls on the Bridges.—By an hon. Member, from Ahoghill, for the Marriages (Ireland) Bill.

Adjourned.

HOUSE OF LORDS,

Monday, March 14, 1842.

Minutes.] Bills. *Public.*—3ª Loan Societies; Regulation of Apprentices.

Private.—1ª· Brewood Free Grammar Schools; Hinckley Roads; Leicester and Ashby-de-la-Zouch Road; Liehert's Naturalization.

2ª Bunsen's Naturalization.

Petitions Presented. By Lord Campbell, Lord Hawarden, and other noble Lords, from places in Down, Tyrone and Antrim, in favour of the Presbyterian Marriages Bill.—By Lord Kenyon from the Church of England Lay Association, for support to the Established Church. —By the Marquess of Clanricarde, from Millers in the county of Galway, against the Importation of Foreign Flour.—By Lord Denman, from the Baptists of Leamington Priors, for the Baptists Affirmation Bill.—By Earl Fitzwilliam, Lord Brougham, and other noble Lords, from Northamptonshire, Yorkshire, Lincolnshire, Durham, Sheffield, Sunderland, St. James's, Westminster, Glasgow, and other places, for a Repeal of the Corn-laws.

Marriage Law—(Ireland).] The *Lord Chancellor* said, that the select committee appointed to inquire into the present state of the Marriage-law in Ireland, and to whom had been referred the Marriages (Ireland) Bill, with leave to report from time to time to the House, had directed him to report that the committee, having considered the matter referred to them and the said bill, had come to the following resolution:—

"Resolved, That it is the opinion of this committee that further proceedings on this bill be postponed until the return of the judges from circuit."

He would take leave to mention to their Lordships that a case, similar to that which gave rise to the bill, had lately come before one of the judges on circuit in Ireland, and for the purpose of giving a full opportunity to consider the question a special verdict, had been found by direction of the judge, in consequence of which it would be referred to the Queen's Bench in Ireland, and might ultimately come before their Lordships. Their Lordships would allow him also to suggest, that in consequence of that public notification, he apprehended no inconvenience could result from the short postponement with respect to the proceedings in the bill. He begged further to mention, that the committee would proceed, notwithstanding the delay, to the further consideration of the other matters which had been referred to their determination.

Lord *Brougham* entirely agreed with what had fallen from his noble and learned Friend. He hoped, that every publicity would be given to his noble and learned Friend's statement. It should be known universally in Ireland in what state the inquiry was before the committee and before their Lordships, in order that the miserable consequences might not ensue, which would arise from persons acting on the supposition that marriages already contracted were invalid, and contracting new marriages. "Whoever does so," said the noble and learned Lord, "after the notice of my noble and learned Friend, must be understood to do it at his or her high peril."

Lord *Campbell* had received a letter from one of the judges in Ireland, stating, that a second case had occurred during the present circuit, and a second special verdict had been taken. The first was before Judge Perrin at Carrickfergus, and the second before Judge Crampton at Armagh.—Report agreed to.

Spain—The French Ambassador.] The Marquess of *Clanricarde* begged to put a question to the noble Earl, the Secretary of State for Foreign Affairs. It had been stated in the French Chamber, that when a difference arose between the French and Spanish Governments as to the mode of receiving the French Ambassador, who was not long since sent to Madrid, the noble Earl instructed our Minister at Madrid to take the same view of the question that had arisen as the French Government. But M. Gonzales was said to have stated in the senate of Madrid that the English Government subsequently thought right to change its opinion on that subject. These statements having been made to the French and Spanish Chambers respecting the views of the English Government, there could be no reason why our Houses of Parliament should not be equally well informed. He believed, therefore, that he should not be considered guilty of any indiscretion in asking whether the noble Earl had any objection to lay on the Table of the House the instruction which had been given on this subject to our Minister at Madrid; or if he did not think that course convenient, would the noble Earl state whether there had or had not taken place any variation in the views of her Majesty's Government as to the instructions which they thought fit to give in this matter?

The Earl of *Aberdeen* had no objection to answer the question of the noble Marquess, although the subject was one, perhaps, more of curiosity than leading to any practical result; for whatever the opinion entertained by her Majesty's Government might be, or however it might have been expressed, that opinion was not communicated to the Spanish government until some time after the French Ambassador had left Madrid. Therefore it had no practical bearing on the conduct of either party. Their Lordships would recollect, that in the month of October, a serious attempt to overthrow the Spanish government was made in the northern provinces of Spain. When that was put down, much acrimony of feeling remained against the French government, and against parties in France, who were supposed, whether truly or not, to have been connected with that attempt. It appeared, therefore, almost impossible that friendly relations should be speedily restored between France and Spain, and undoubtedly her Majesty's Government looked with great anxiety to the renewal of those friendly relations. They therefore saw, with much satisfaction, a gentleman named as ambassador to Madrid, who was known for his friendly feeling towards the Spanish nation; and, he believed, particularly for his friendly feeling towards the Spanish government at that moment. Her Majesty's Government thought the appointment was one calculated to renew the friendly feeling which had formerly existed between the two Governments, and therefore they looked upon that appointment with great pleasure. Shortly after the arrival of M. Salvandy at Madrid, a difference arose as to the mode of presenting his credentials. He might say in this case, as in many others, that he thought a little forbearance and moderation on both sides at the commencement of the dispute would have led to a happier result. As her Majesty's Government were informed, the case stood thus: they were given to understand that the pretensions of the French ambassador, in the first instance, were to deliver his letters of credence to the Queen alone, without the presence of her court or the Regent. They were also informed that the pretensions of the Regent were, that he should receive the credentials himself, and not in the presence of the Queen. It appeared to the English Government that this was exactly a case in which a compromise might be made, without injuring the dignity, or doing injustice to the pretensions of either party. They thought, as a general rule, that letters ought naturally to be delivered to the person to whom they were addressed, and it certainly did appear to them that the French ambassador might be permitted to present his letters of credence to the Queen herself, in the presence of the Regent, who, if he thought proper, might answer them. That suggestion made by her Majesty's Government was acceded to by the French government. It had been, without instruction, supported by her Majesty's minister at Madrid, acting only from a desire to produce conciliation, and directed by that excellent sense which distinguished all his conduct. The suggestion was, at the same time, made without any knowledge of the manner in which the Spanish government construed an article of the Spanish constitution. It appeared, by an article of the constitution, that the Regent was invested with all the authority of the King, in whose name laws were promulgated. It did not appear to her Majesty's Government that the mere reception of letters was such an act of royal authority as necessarily required the intervention of the Regent. The answer to those letters was quite a different thing. That, of course, might involve political consequences, which would render indispensable the intervention of the Regent. He was sorry to say that the interpretation put upon the article of the constitution by the Spanish government, though he believed it a conscientious and honest interpretation, proved an insurmountable objection to the reception of the French ambassador. In consequence of that the Spanish government declined to accede to the proposal which was made by the French ambassador, and supported by her Majesty's Ministers in the way he had mentioned, and the French ambassador formally took leave. This appeared a trifling matter—a matter of mere etiquette, which hardly deserved the consideration which it at present received. But at the moment when this took place her Majesty's Government were engaged in an earnest endeavour to obtain that which, in the present condition of Spain, would be of the utmost possible importance to its tranquillity, namely, the renewal of diplomatic relations with the governments of northern Europe. They had a prospect that that endeavour would be successful, but they could not help foreseeing that the rejection of the pretensions of the French ambassador to deliver his credentials to the Queen in person would be viewed by these powers as an act derogatory to royal authority to a degree which would check the disposition of a renewal of friendly relations with the Spanish government. That turned out to be too true. He hoped that the restoration of friendly relations was only delayed; but certainly the proceeding adverted to had tended to delay the result which they were so anxious to accomplish. Therefore it was that this event, which at present appeared to have no great importance as a matter of mere ceremony and etiquette, might have serious consequences. Having answered the question of the noble Marquess, he must say he was quite uninformed of any contradiction that had been given to what had been just stated. He (the Earl of Aberdeen) had never entertained but one opinion on the subject. He did not know to what difference the noble Marquess alluded. But he would beg to ask, what was his object in putting this question? Was it meant to be insinuated or implied that the advice given by her Majesty's Government was given with any improper or unfriendly feeling towards the Spanish government? If so, he could assure the noble Marquess that he never was more mistaken. The advice was received, though not acceded to, in the spirit in which it was offered—which was a desire the most sincere to remove difficulties out of the way of the Spanish government, and to prove the friendly interest felt by her Majesty's Government in its stability and prosperity. If it was really intended to represent this as an indication of want of interest or friendly feeling towards the Spanish government, it was very poor work indeed. Let the noble Marquess point to some indication of policy—to some act on the part of her Majesty's Government—which deserved such a construction. If it was his object to cast any doubt on the conduct or policy pursued, by her Majesty's Government, that course would be intelligible; but, even if the noble Marquess's impression were correct, this trifling matter could furnish no ground for any imputation. He would venture to say that, if the Spanish government was on that floor—if they were there in person—he would confidently appeal to them to declare whether they had ever experienced greater cordiality, greater friendship, or greater efforts to render them service than from her Majesty's present Government. He would say further, that the expressions of their acknowledgements and gratitude were not sparing in consequence. The advice, or rather suggestion, to which the noble Marquess had alluded, was made entirely in the same spirit; and he had no doubt, that had it not been for the obstacle which he admitted was quite insuperable —for, of course, the Spanish government must be considered the best interpreters of their own constitution—had it not been for that interpretation, the suggestion would have been cheerfully acceded to.

The Marquess of *Clanricarde* would tell the noble Earl his motives in putting the questions, which were quite different from what the noble Earl supposed. First, he must express his perfect satisfaction at what the noble Earl had said on the subject. He was quite satisfied particularly as regarded the Spanish government; but with respect to his remarks on the slight importance of the transaction to which the question referred, he thought a matter could not be of slight importance which concerned the suspension of friendly relations between the courts of France and Spain. What happened between those courts could not be a matter indifferent to us. Diplomatic negotiations and communications, even upon matters apparently trifling, might lead to very important results. He did not see so much of a tendency as he had hoped on the part of the Queen's Government, to repair the coolness, to whatever degree it existed, which was said to have grown up between this Government and that of France. They were given to understand at first that our relations with France would be improved; but somehow or other, he knew not how it was—he did not wish to impute blame where he did not know that blame was due—but it had happened within the short space of time since the noble Earl was placed at the head of foreign affairs, and the present administration came into office, that there had been three sources of difference with France, two of which, at least, where of the greatest importance; therefore he thought that when he saw assertions made respecting the conduct of our Government in the French chamber—and they might very fairly look with considerable anxiety to the opinions expressed by the French minister—when they saw they saw the Spanish minister contradicting what the French minister had said, he thought they might fairly ask for as much information as was given to the chambers of France and Spain. The noble Earl said he did not know to what he alluded in speaking of reports of variations in the instructions given to Mr. Aston. It was stated in the public journals that M. Gonzales had said in the Senate at Madrid that the English Government had seen reason to modify and change the opinion which it had expressed. It was perfectly true that this rested on the authority of newspapers. But newspapers had great effect in this and other countries; and if the Spanish and French public were so informed, there could be no harm in wishing the British public to be better informed. He must repeat, that he had heard with great satisfaction the declarations of the noble Earl. He did not accuse him of any unfriendly feelings towards either the Spanish or French governments. He was sorry that questions were still afloat, he knew not how or why, which might have a serious effect on the affairs of Europe, and he should be very glad to see the French government induced, by any means, to ratify the treaty into which it had entered.

Subject at an end.

Income Tax.] Lord *Brougham* had to call the attention of their Lordships to a subject of great importance. He would now only give notice to his noble Friend, the President of the Board of Trade of certain resolutions which he was about to lay on the Table. He would content himself at present with reading them, and stating that he would move them to-morrow, and take the sense of the House on the subject He might remark, however, that he took this course owing to what he saw in the votes in the other House of Parliament. In these votes and documents, laid before the House, he perceived the outline of a very important financial plan, to the greater part of which, as at present advised, he could give his hearty and entire approbation, more especially to that part of it which embraced the great improvements proposed in our commercial tariff. He perceived by the votes, that an increased duty on spirits had been already agreed to, which was to be confined to Ireland, and from that circumstance he thought there must be some foundation for those reports which had generally gone abroad, that it was the intention of the Goverment, to propose a tax upon income. exempting Ireland. He, therefore, proposed to call their Lordships' immediate attention to the subject, and to-morrow he should move the following resolutions:—

"1. That a direct tax upon income ought never to be resorted to, unless in some great emergency of public affairs, when an extraordinary expenditure may become unavoidable for a time, or in some pressure upon the finances of the country which can be sustained by no other means.

2. "That such a tax ought on no account to form part of the ordinary revenue of the State, but to cease with the necessity which alone could justify its imposition; inasmuch as beside all the other objections to which it is liable, its inquisitorial operation being equally vexatious, whatever sums are levied, the facility of increasing its amount according to the real or supposed exigencies of the public service, offers a constant temptation to extravagance on the part of the Government, removing the most effectual check upon improvident expenditure, and dispensing with the necessity of seeking a revenue in retrenchment.

"3. That although the actual deficiency in the revenue to meet the expenditure, amounting to about seven millions and a half in five years, and the estimated deficiency for the next year, amounting to above two millions and a half, besides probable demands arising from the state of affairs in the East, may render the temporary recourse to an income-tax necessary, after an attempt to increase by one-twentieth the duties of excise and customs had ended in obtaining a two-hundredth part only, thereby proving the impossibility of drawing any further revenue from increased taxes on consumption, while the relief which may justly be expected to commerce and to finance from lowering those taxes cannot be made immediately available; yet it behoves the Parliament, as faithful guardians of the people's rights and interests, to take care that during the temporary existence of this tax, its pressure shall be distributed in such a manner as shall make it most easily, most patiently, be borne.

"4. That, with this view, it is first of all necessary, to satisfy the people that there shall be no invidious exemptions, but that the highest personages in the state shall be permitted to have their due share of a burden which absolute necessity alone could warrant the Parliament to impose.

"5. That with the same view it is expedient to make a distinction between income arising from capital of every description and income arising from labour merely, levying a smaller proportion of the latter income than the former.

"6. That with the same view, it is expedient to make a distinction between income possessed by persons who have only an interest in the same for their lives, or for some lesser term, and income possessed by persons who have an interest in the capital from whence the income arises, levying a larger proportion of the latter income than of the former.

"7. That with the same view, it is expedient to make no distinction in favour of persons in the civil service of the state, or of persons receiving pensions from the state.

"8. That it is neither consistent with justice nor with sound policy, to levy a greater proportion of tax upon larger incomes than upon smaller, and that an exemption of even the smallest incomes from the operation of the tax can only be justified upon the supposition that their owners are wholly unable to pay it.

"9. That while it is the duty of the people to bear those burdens which are necessary for supporting the credit of the country, and maintaining the security of its widely extended dominions, it is equally the duty of Parliament to afford them every procurable relief, by enforcing the most rigorous economy in all the departments of public service; by discouraging all proceedings which may endanger the continuance of peace; and by adopting whatever measures may best conduce to the improvement of our commercial resources; and that it is in an especial manner incumbent, without any delay, to remove any income tax, whatever be imposed, as soon as it shall appear that the ordinary branches of the revenue have recovered from their temporary depression."

Their Lordships, would, to-morrow, have an opportunity of exercising their undoubted constitutional right of taking into consideration the new financial plan which appeared to be resolved upon from the votes of the other House, and they could do this with far greater advantage now, than if they waited until the other House had come to a vote on the subject, and it came before their Lordships in the shape of a money bill, which, thus presented to them, they would only have the alternative, of either rejecting, or of accepting, altogether.

The resolutions were laid on the Table, and ordered to be printed.

BANKRUPTCY.] The *Lord Chancellor* laid on the Table of the House a bill for the Amendment of the Law respecting Bankruptcy. He did not then intend to enter into any details, but reserved himself until the second reading. At present he would only state that this bill in its main features was founded on the report of a commission appointed for the purpose of considering the law of bankruptcy, and was, therefore, in this respect similar to the bill proposed by his noble and learned Friend who had immediately preceded him in his office. He had employed in preparing it the same gentleman who had been employed by his noble and learned Friend, and who was one of the commissioners. The bill in most particulars corresponded with that of his noble and learned Friend, and those parts in which it differed would be subjects of fair discussion and consideration in a future stage.

Lord *Brougham* wished to know whether the bill contained any extension of the provisions of the bill of 1832.

The *Lord Chancellor*—It had been recommended by the commissioners, and suggested also by some of the principal merchants in the city, that in consequence of the increased facility of communication, the jurisdiction of the town commissioners, which by practice had been limited to a radius of forty miles round London, should be extended to a greater distance, which would be done; and as to the provisions alluded to by his noble and learned Friend, they had been found to work so well that he proposed to extend them to the whole kingdom.

Bill read a first time.

FINANCE.] Earl *Fitzwilliam* having presented petitions from Kettering and several other places, many of them from agricultural districts, against the proposed new Corn-laws, said, he heard with great satisfaction the course which his noble and learned Friend (Lord Brougham) had proposed to take. There was much that was beneficial in the financial plan that had been proposed by her Majesty's Government, and much which was entitled to their Lordships applause. But he certainly was never more astonished in his life than when he heard it was proposed to revive, not the property tax, but the income tax. They might call it a Property-tax if they pleased—they might seek a little temporary popularity under that pretence—but it was an Income-tax, which if a Property-tax was at least the worst form of that tax. The tax ought to have been the property tax—a tax on real and realized property, which would be a fair and just tax. As to taxing occupying tenants for the miserable amount which it would produce, it was a mere delusion. It must ultimately fall on the land, and it would have been much better openly to have put on a land tax. After the notice in her Majesty's speech of the distressed state of manufactures and trade he was surprised that the Government sought to raise so large a revenue as upwards of a million from the small profits of this distressed class. The fairest and the best way, in his opinion, was to tax realised property, and not income.

Petitions laid on the Table.

Adjourned.

HOUSE OF COMMONS,

Monday, March 14, 1842.

MINUTES.] BILLS. *Public.*—1°. Spirit Duties (Ireland); Public Works; Consolidated Fund.

2°. Parish Property; Salmon Fisheries (Scotland).

3°. and passed:—West India Clergy.

Private.—1°. Sudbury Improvement; Slug Road; Great Torrington Market; Granton Pier (No. 2); Kilmington Inclosure; York Cathedral; Fleetwood Improvement and Market.

2°. Deptford Pier; Gravesend Town Pier; Gravesend Terrace Pier; Bolton and West Houghton Road.

Reported.—Forged Exchequer Bills; Rivers (Ireland).

PETITIONS PRESENTED. By Mr. Hindley, Mr. Sharman Crawford, Mr. P. M. Stewart, Colonel Fox, Sir John Easthope, and other hon. Members, from Warrington, Down, Stepney, Manchester, Weymouth, Newport (Isle of Wight), Melcombe Regis, and other places, for a Repeal of the Corn-laws.—By Mr. Leader, and Mr. B. Hall, from St. James's, Westminster, and St. Pancras, against the Marylebone Parish Bill.—By Mr. Leader, from Westminster, against the Proposed new Corn-law Bill.—By Mr. Hardy, from Bradford, Bolton-le-Moors, and Harwood, against the New Poor-law.—By Mr. Baldwin, from Millers in Ireland, for Protection from the Importation of Foreign Flour.—By Mr. S. O'Brien, from Clare, for Protection from the Importation of Foreign Cattle.—By Mr. Morgan John O'Connell, from Kerry, for the Importation of Foreign Wheat instead of Flour.—By Sir R. Bateman, from Presbyterians in the North of Ireland, in favour of the Marriages (Ireland) Bill; and from Down, and Londonderry, in favour of the system of Education adopted by the Church Education Society.—By Mr. T. Duncombe, from Finsbury, for a Radical Reform of the House of Commons.—From Marylebone, for Redemption of Tolls on Metropolitan Bridges.—From W. Balls, for Universal Suffrage.—From the Newcastle-upon-Tyne British and Foreign Anti-Slavery Society, against Exportation of Labourers from British India.—From Ulverstone, against further Grant to Maynooth College.

TAXES IN FOREIGN COUNTRIES.] Dr. *Bowring* rose to make some inquiries with regard to returns which had been ordered last Session, having reference to the taxes in continental countries, especially those levied on land. He had asked his right hon. Friend the late President of the Board of Trade, whether these returns had been made, and he ascertained that many of them were received, drawn up in a very incomplete and unsatisfactory manner. He thought that there could have existed no difficulty with regard to the procuring of these statements and returns. He wished that the documents in question should be procured and laid on the Table.

Sir *R. Peel* said, that several of the returns had been received, but that others had not come to hand. Many of the returns which had been received, had not been drawn up in a satisfactory form. He would, however, examine and lay those documents on the Table of the House which had been received.

Mr. *Gladstone* believed the returns in question would be laid on the Table of the House during the course of the evening.

TAX ON RAILWAYS.] Mr. *Brotherton* begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether he intended to propose any modification in the mode of collecting the passenger tax on railways?

The *Chancellor of the Exchequer* said, he had received various proposals for changing the mode in which the duty was at present levied; and he had no objection to consent to an alteration, provided the revenue was not diminished. He had made a proposal on the subject to several parties connected with railways, to which he had as yet received no answer.

SOUTH AUSTRALIA.] Sir *G. Grey* begged to ask the noble Lord the Secretary for the Colonies when his bill with respect to the Crown-lands in South Australia was to be brought forward; and, also, whether it were his intention to carry into effect the recommendation of the committee upon this subject?

Lord *Stanley* said that, in all essential particulars, the bill had been prepared at the time he first proposed to bring it in. It would be laid on the Table in a day or two. The delay had been occasioned by some technical difficulties in filling up the legal clauses. It was also his intention to bring in a bill to regulate the government of South Australia.

RURAL POLICE.] An hon. *Member* begged to inquire whether it was the intention of Government to bring in a measure with reference to the rural police?

Sir *James Graham* said, that it was not the intention of Government to introduce any measure to alter, vary, or put an end to, the system of rural police. It was his intention, however, to bring in a bill for the better regulation of parish constables, giving to the rate-payers in vestry assembled more power in their appointment.

THE NEW CORN-LAW.] Lord *Worsley* begged to inquire what was the amount of revenue which the right hon. Baronet expected would accrue from his proposed Corn-law?

Sir *Robert Peel* must decline answering the question. The subject would come under discussion on Friday night.

THE INCOME TAX—RIGHT OF PETITIONING.] Mr. *C. Buller* begged to put a question to the Speaker on a point of form connected with a subject of vast importance—the proposed Income-tax. The right hon. Baronet the first Lord of the Treasury had introduced the subject on Friday last. On Friday next he would ask the opinion of the House on a resolution with respect to the adoption of the Income-tax. Now, as the subject was of that kind which would render it desirable that the opinion of the country with regard to it should be known before the House came to any decision, he wished to ask the right hon. Speaker whether, according to the forms of the House, if the House should agree in the first stage to receive the right hon. Baronet's resolution, it would be possible afterwards to receive any petition from the people against the adoption of the tax.

The *Speaker,* in reply to the question of the hon. and learned Gentleman, said that it was against the rules of that House that any petition should be received against any tax which had come under the consideration of the House; and therefore, after the right hon. Baronet had proposed his resolution, it would be impossible to receive any resolution against the tax in question.

Mr. *C. Buller* would put it to the right hon. Baronet opposite, whether, after the statement the House had just heard from the Chair, it was his intention to ask the House to give an opinion on the subject of the Income-tax next Friday, or whether he should allow some time for the expression of the opinion of the country upon the point?

Sir *R. Peel:* It is my intention to proceed with the resolution on Friday next.

Subject at an end.

FORGERY OF EXCHEQUER BILLS.] Lord *J. Russell* wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer, respecting the time at which he intended to bring on the discussion of the Forgery of Exchequer-bills Bill. It was desirable that the subjec should be considered in a full House, and not at any late period of the evening. He wished to know whether the right hon. Gentleman meant to bring forward the bill to-night, and if so, whether he meant it should take precedence of other business.

The *Chancellor of the Exchequer* was about to suggest, that the House should go into committee and allow him to introduce his amendment, and the names of the commissioners whom he should propose that evening. In that case the bill would be printed to-morrow, and then the discussion might take place. He hoped, that by the amendments he had introduced, many objections to the bill would be obviated, and if, therefore, there was a prospect of the House being likely to agree to it, he would like to go into committee immediately, before the other Orders of the Day came on.

Lord *J. Russell* said, that the course proposed by the right hon. Gentleman did not seem convenient, for if he proposed to take the decision upon the bill to-morrow, the same objection attended such a course as could be urged against its adoption that evening, inasmuch as there were other motions on the paper for to-morrow, which would occupy the House until a late hour. He did not think the present was a bill which should be brought forward late in the evening.

The *Chancellor of the Exchequer* said, that he would have the bill printed to-morrow, and in the hands of Members. He should bring it on for consideration as soon as possible.

SPAIN.—THE FRENCH AMBASSADOR.] Mr. *Sheil* wished to put a question to the right hon. Baronet at the head of the Government with respect to recent events which had taken place in Spain. In order to make the question intelligible, he should be obliged to offer a few introductory remarks. It was notorious, that the French government had sent M. Salvandy to the court of Spain to deliver his credentials to the Queen. He, however, was not received, and the Spanish government passed resolutions highly condemnatory of the proceedings of that of France. M. Gonzales, the president of the council, declared, on the 24th of February, that, although the British Government had at first approved of the proceedings of the French court, yet, that the Earl of Aberdeen had afterwards seen fit to change his opinion upon the subject. He felt that any references either to the debates in the Chamber of Deputies or the Cortes were generally to be deprecated, but he did feel, that, if a French minister made statements affecting the character of an English minister, that the House ought to be in possession of a full knowledge of the truth. He found it asserted, that M. Guizot had stated, that he had official knowledge of a despatch written by the Earl of Aberdeen to our minister at Madrid, in which the Earl of Aberdeen had given his fullest sanction to the proceedings of the French government. M. Guizot had added, that he had too much confidence in the firmness of mind and honour of the Earl of Aberdeen to suppose that he would have retracted his previously declared opinion. The questions which he wished to put were, first, whether the Earl of Aberdeen had written to Madrid, expressing his concurrence in the proceedings of the French government in reference to the course which it had pursued with regard to the presentation of M. Salvandy's credentials? And next, whether, if the Earl of Aberdeen had acted in that manner, he had afterwards expressed any different opinion?

Sir *Robert Peel* cordially concurred with the right hon. Gentleman, in lamenting that any necessity should arise for making reference in that House to debates and discussions in popular assemblies in other countries. In order that he might properly explain the course pursued by the British Government with respect to the matter alluded to by the right hon. Gentleman, it would be necessary for him to enter a little into detail. Whatever opinion the Government might have entertained or expressed on the subject, it had not had the slightest practical influence on the course pursued by the Spanish government with reference to M. Salvandy. That government had taken its course on its own sense of duty before the opinion of the British Government was received at Madrid. The question was then disposed of, and therefore the expression of the opinion of the British Government had had no practical bearing on it. M. Salvandy, the French ambassador at Madrid, was accredited by the King of the French to Queen Isabel. The British Government heard with great regret, that at a critical period a difference of opinion was likely to arise between the governments of France and Spain, that might lead to the interruption of all diplomatic intercourse. The British Government, therefore, felt it to be their duty, actuated by a sincere feeling of interest in the affairs of Spain, to tender their advice to the Spanish government with respect to that possible cause of difference. There had recently been in Spain an attempt on the palace of the Queen—an attempt to seize her majesty's person. There had been considerable excitement and disturbance in some of the provinces of Spain. The sense—the deliberate sense, in his opinion, of the people of Spain, was in favour of the existing government, and this had given energy to the government, and enabled them entirely to suppress those attempts. The British Government, however, thought it would be unfortunate for Spain if, shortly after this excitement, the diplomatic intercourse between France and Spain should be suspended. The British Government had very recently made proposals to the northern courts, particularly to Austria, earnestly recommending that they should recognise the existing government of Spain, for the purpose of giving stability to that government, and through that to encourage the people to apply themselves to those pursuits of industry and ordinary occupations of life, for which a state of tranquillity was so favourable, and the British Government entertained serious apprehensions that if there should be, on the ground on which they feared it might take place, an interruption of the diplomatic relations between France and Spain, their efforts to procure the recognition of the existing government might fail. The British Government, therefore, expressed an opinion to the government of Spain, that it might be possible to reconcile this difference. The question arose on the 59th article of the constitution, which declared that the regent should exercise all the authority of king, in whose name the acts of government should be published. The British Government suggested to the government of Spain, that it might be possible that an arrangement of the following nature should be made, which should reserve to the regent of Spain the whole of the authority which that constitution intended to devolve on him, and yet respect the royal dignity in a matter which the British Government thought right to consider one of ceremony and etiquette rather than of a substantial character. The British Government, therefore, suggested an arrangement of this nature:—M. Salvandy being accredited to the queen, and not to the regent, the British Government proposed that the letters of which M. Salvandy was the bearer should be delivered to the queen in the presence of the regent; but that any act of authority connected with the reply to those letters should be performed by the regent, and that any answer delivered in the name of the queen should be delivered by the regent. The course thus suggested was somewhat similar to that pursued in the cases of Greece and of Brazil, when the sovereigns were minors. In the case of Greece letters of credence were delivered to the infant sovereign in the presence of the regent, and handed by the king to the regent. In the case of Brazil, the regent issued a decree, requiring the letters of credence of foreign ambassadors to be delivered to him in the absence of the king. This assumption on his part was resisted by the courts which had accredited ministers to Brazil, and an arrangement was made, by which, in that case, the letters were delivered to the regent in the presence of the king. But before the advice tendered by the British Government could be received by the Spanish government, the latter acted on their own construction of the constitution of Spain. He believed that, in giving that construction to the article of the constitution, they acted with perfect sincerity. The government, and he believed the Cortes, resolved that it was inconsistent with the constitution that the queen should receive the letters of credence, and even that acts of ceremony should be performed by the regent. The British Government never questioned the perfect right of the Spanish government to place its own construction on the constitution; and, as he had before stated, the Spanish government had given its construction and acted upon it before the advice of the British Government had reached Madrid. The British Government had suggested a different construction of the article of the constitution, solely from a sincere desire to promote the welfare of Spain, and because they were apprehensive of those results which had subsequently taken place; but they never questioned the perfect right of the Spanish government and authorities to decide the question for themselves. They were the supreme authority on the point, and the advice of the British Government was offered before the construction of the article of the constitution by the Spanish authorities was known. With the construction given by them to their own constitution no other party had a right to quarrel; but the opinion of the British Government had never changed on this subject. He knew not on what authority the right hon. Gentleman opposite said, that Senor Gonzales had stated that there had been a change in the opinion expressed by the British Government with respect to the construction of the article, that the act of ceremony on receiving the credentials might be performed by the queen. This was the suggestion offered by the British Government, in ignorance of the interpretation that might have been put on it by the Spanish authorities, and the report—a newspaper report, he believed, of an allegation said to be made by Senor Gonzales, that the opinion of the British Government had undergone a change, was without foundation and incorrect. Having given this answer to the right hon. Gentleman, and admitting that he had drawn a just distinction with reference to his question, he trusted that the House would in future abstain, as far as possible, from referring to what transpired in angry debates either in the Cortes or the Chamber of Deputies; for nothing had a greater tendency to excite constant recriminations.

Viscount *Palmerston* agreed with the right hon. Baronet, that nothing was more to be deprecated than allusion to the proceedings of foreign legislatures; but he deprecated still more that system of non-interference which might lead to a misconception going abroad throughout Europe, as to the opinions and the acts of the English Government on a question of such grave importance. He thought, under all the circumstances, that the Spanish government had been called on to make an unworthy compromise. He now begged to ask the right hon. Baronet whether—the fact being that not now for the first time misconceptions had arisen as to the expressions and opinions of members of the present Ministry—it would not be a more convenient course to pursue in the present instance, as in the case of Algiers, to lay upon the Table of the House any despatches which might have been written by Lord Cowley or Mr. Aston bearing on the differences existing between France and Spain. Such documents would at once show what was the language which the English Government held to France and Spain; and it was certainly most desirable, in every point of view, that these contentions in other countries, as to the language of the British Government, should be cleared up.

Sir *R. Peel:* His answer to the question of the noble Viscount was, that he had already sufficiently explained the course of Government, and their motives in the conduct which they had adopted. Their sole wish was, to promote the welfare of Spain. His impression was, that it would be most inconvenient to produce a despatch for the purpose of solving a question of fact between two foreign states, and written while that question was pending. If he were to produce such a document now, he must do so again, and so go on again indefinitely. As he had stated what the views of the Government were, he did not see the necessity of producing this despatch, though, if he were to lay it before Parliament, he believed it would be found not to reflect any discredit on our Government.

Mr. *Sheil* observed that the report on which he had grounded his question appeared in the *Morning Herald* and *Morning Chronicle*, and upon it he felt justified in asking what the course was which the Government had pursued.

Sir *R. Peel* could hardly admit that the appearance of such a report in the *Morning Herald* and *Morning Chronicle* was a sufficient ground for the production of the despatch which the noble Lord opposite called for. When the English Government offered its advice, they were not aware of the position in which the Spanish government stood according to the articles of their constitution; but the moment they ascertained the fact, they admitted the Spanish government had a perfect right to put the proper interpretation on their own usages. M. Guizot was perfectly right in his anticipation of what the conduct of this Government would be.

Corn Bill — Burdens on Land.] Order of the Day for the House to go into Committee on the Corn Importation Bill was read.

On the question that the Speaker do leave the Chair,

Mr. *Ward* said, that it was with very great reluctance that he offered any opposition to the further progress of a bill which the House had already sanctioned by repeated and large majorities. But he had a public duty to perform. His motion was the proper preliminary to any legislation on the subject of the Corn-laws, and it was not his fault that it was not so brought forward. The moment the House gave its assent to the resolutions on which the bill of the right hon. Baronet was founded, he took the earliest notice day which was open, on which to fix his discussion. His hopes of submitting his motion on the day he had selected were certainly disappointed, not from any fault of his, but in consequence of the very unusual appearance of the benches opposite—an appearance which he admitted was accounted for by the natural desire of hon. Gentlemen to give the right hon. Baronet (Sir R. Peel) a day's relaxation before submitting the important financial statement which he had since laid before Parliament. He (Mr. Ward), however, had always looked upon the motion which he wished to bring before the House as absolutely essential to the proper consideration of the question of the Corn-laws. It had legitimate claims to attention from ts intrinsic importance, and it derived ten-fold weight from the views which had been broached in the late debates, and from the opinions of men who were of the highest authority on economical subjects. He found that the noble Lord the Member for London made the existence of certain peculiar burdens specially affecting the agricultural interest his measure of compensation. He found the noble Member for Sunderland assuming the existence of those burdens. He found Mr. M'Culloch going into the subject very largely, and assuming throughout, as the basis of his argument, that there were burdens which pressed upon the land to the amount of 5*s.* per acre; and he saw the right hon. Baronet at the head of the Government absolutely taunt his opponents with a want of straightforwardness, and explicitness in not stating the grounds of their 8*s.* duty, and challenging them, if they wished to enlighten the House and the country as to their motives, to discuss the basis of the protection which they proposed. But the right hon. Baronet himself was not much more specific in his arguments at least in that House. Out of that House he had gone at considerable detail into this subject, and the right hon. Gentleman's opinion being a matter of incalculable importance, since his very errors were the basis of legislation, he thought himself justified in alluding to it, especially as he had been much more reserved upon the subject, since the discussion on the Corn-laws had commenced in Parliament. He should first advert shortly to the opinions given on this subject by a high authority on political economy, Mr. M'Culloch.

> "We believe that land is more heavily taxed than any other species of property in the country; and if so, its owners are clearly entitled to insist that a duty should be laid on foreign corn when imported, sufficient fully to countervail the excess of burdens laid upon the land."

"If," was said to be a great peace-maker; but not in this instance, for Mr. M'Culloch assumed what he was bound to prove, that land was more heavily taxed than any other kind of property. He then proceeded—

> "So long as taxation affects all classes equally, none of them has any peculiar right to complain; nor can it, however heavy, justify any attempts to protect either one or more classes from foreign competition. But whenever it ceases to be equal, whenever it presses more severely on some than others, that moment do those that are most heavily taxed acquire a legitimate claim to an equivalent protection. It is impossible to refuse them this, without trampling on every principle of justice. Such protection is not given them as a favour, but to keep them where they have a right to be kept—on the same level as the other classes of their countrymen. If they be relieved from these peculiar burdens, the necessity for the countervailing duties will of course cease, and they may, and indeed should be repealed forthwith; but the equalization of taxation at home must, in all cases, precede the equalization of the duties on importation from abroad. Land is a species of property that cannot be concealed; it is visible to every one; and the fair presumption consequently is, that it will be more heavily taxed than the capital of the manufacturer or merchant, which it is frequently very difficult to trace. Any one indeed, who will compare the amount of poor-rate, county-rates, and such like burdens paid by the land, with that paid by other sorts of property will be satisfied that the former is charged far beyond its fair proportion."

He quite agreed with the doctrine, that land in England had a considerable share of the public burdens to bear, but the question was, not whether the land was highly taxed or not, because they all knew it was; but whether it was more highly taxed than property derived from other sources of industry and labour. They could not make a comparison between the land of England and that of Poland, and say that one paid a larger duty to the revenue than the other; but in order to entitle themselves to a protecting duty, the landowners must show that they bore peculiar burdens, as compared with other classes of English subjects. They must show that they were subjected to those burdens not for their own benefit, but for that of the other classes who did not contribute to them. If those burdens were proved, they had a legitimate right to protection; if not, a double injustice was done to the other classes. He now came to the speech of the right hon. Baronet,—

> "I now come, I repeat, to a most important question — that of the introduction of foreign corn. I must repeat to you here the opinion which I have declared heretofore, which I have declared to you, and also in the Commons' House of Parliament, that I cannot consent to substitute a fixed duty of 8*s*. per quarter for the present ascending and descending scale. I prefer the principle of the ascending and descending scale, and I do not consider, when I look to the burden which land in this country is subjected to, that a fixed duty of 8*s*. per quarter on corn brought here from Poland and the north of Europe will afford sufficient protection to the land of this country. The proposition of buying corn in the cheapest market, is certainly tempting in theory; but before you determine that that is just, you must ascertain the amount of burdens to which land in other countries is subjected, and compare them with the burdens imposed on land in this country. Look at the amount of poor-rates levied from land in this country, compared with the amount levied from the profits of manufactures. Who pays the highway-rate? Who pays the church-rate? Who pays the poor-rate and the tithe? I say not altogether—but chiefly—the landed occupier of this country; and if there be corn produced by other land not subject to those burdens, it would clearly be not just to the land of this country to admit that corn on equal terms."

The convictions entertained by the right hon. Baronet at present on this subject were somewhat new. At all events the opinions of gentlemen connected with the agricultural interest, as to the burdens which pressed on land, were by no means fixed or unanimous in 1834. He recollected a curious debate in that year on the subject of agricultural distress. The subject was brought forward by the Marquess of Chandos, who drew a heart-rending picture of the agriculturists. He said—

> "Their savings were gone, their credit had failed, their resources were exhausted, their condition was becoming worse every day."

They were said to be weighed down with heavy burdens, but the cause of them was perfectly mysterious. There was a great deal of vague talk as to the pressure on the land; but neither the right hon. Baronet, nor any body else, defined or specified very accurately the peculiar imposts levied upon it. Tithes and poor-rates were by no means so generally insisted on as the fact of the distress. The malt duty was slightly alluded to. The surcharges on horses and labourers employed occasionally as household servants, were spoken of; and not unnaturally, every speaker dwelt on the extraordinary increase of poor-rate which threatened to swallow up the land. Lord Spencer agreed in this.

> "Nothing that could be done with regard to other taxes, would afford half the relief that would be derived from a better administration of the poor-law."

The only way he knew of to promote the prosperity of agriculture was to promote the prosperity of those who became the purchasers of agricultural produce. This difference of opinion was characteristic of the whole debate. A great number of gentlemen connected with the landed interest took part in it, but instead of the deep conviction which the right hon. Baronet announced at Tamworth that he entertained, there was the greatest possible conflict of opinions as to the causes of agricultural decay. Every speaker had his own nostrum. Every man was his own burden-maker. Lord Ashburton alluded to beer-shops, and dwelt upon the impossibility of the land-owner taking up and laying down labour with the same facility as the manufacturer. Mr. Cobbett attributed the evils which pressed down the agriculturist to the malt-tax and a standing army. Mr. Maxwell proposed a tax on absentees. Mr. Cartwright said that distress was not confined to titheable parishes, and Mr. Cayley maintained that his constituents who did not pay 1*s.* 6*d.* in the pound for poor-rates were just as much distressed as the Bucks farmers, and added, "nothing that the Government can do will remedy or penetrate, as it were, the interstices of our distress," of which the currency was the cause, and must be the cure. Was he not justified in saying that at that period no sort of unanimity prevailed as to the existence of any peculiar burdens. With regard to the malt-duty, he thought they were indebted to the Speaker for having dissipated many erroneous views on this question, by asking a party of barley growers amongst his constituents, every one of whom was ready to make oath that the whole amount of the malt-duty came out of his own pocket, "whether they had never heard of such a person as the consumer, who certainly paid nine-tenths of the tax?" The right hon. Baronet (Sir R. Peel) confirmed this opinion in a debate on the malt-tax, which followed shortly after that to which he had alluded, and in which the Marquess of Chandos maintained that the malt-duty amounted to 70*l.* or 80*l.* a-year on every farm of 250 acres. The farmers were said to be unanimous in their cry for an alteration, and the noble Marquess certainly took care that it should be sufficiently sweeping, for he proposed the entire extinction of the duty. Mr. Handley also said that the malt-tax "was the most injudicious, partial, and unjust of all possible imposts." The right hon. Baronet rode the storm gallantly on this occasion. He said,

> "If you repeal this tax, to a property-tax you must come, and I congratulate you gentlemen of the landed interest, on finding yourselves relieved from the pressure of the malt-tax, and falling back on a good, comfortable, property-tax, with a proposal, probably, for a graduated scale. And you, who represent the heavy lands of this country, I felicitate you on the prospect which lies before you. If you believe that the substitute will be advantageous to your interest, be it so; but do not blame those who offered you a timely warning, and cautioned you against exchanging the light pressure of the malt-duty for the scourge of a property-tax."

The right hon. Member for Dorchester also went into the whole question, and seemed to have considerable doubts as to the real amount of his burdens, though, as a landowner, he thought it necessary to assume their existence. He said,

> "It must not be dissembled that heavy and grievous burdens press upon the landed interest—and what are they? First, there are the 'poor-laws,'—but means have been re-

cently devised for lightening their pressure. What is the next in importance? 'The tithes,' but there is reason to hope that something will be done to lighten the weight of them by an equitable system of commutation. Then there are the 'county-rates.' Now, a reduction in the amount of that tax has likewise been distinctly promised to the landed interest. The only unalleviated burden on that interest, that would then remain, would be the malt-tax, and if that were removed, the repeal of the Corn-laws would be urged upon the House to-morrow."

He (Mr. Ward) should now take the burdens on land as they were enumerated in the Tamworth list, which was, he believed, the last published. They were the poor-rates, county-rates, highway-rates, church-rates, and tithes. These were the burdens for which the right hon. Baronet thought that the noble Lord's duty of 8*s*. was a most inadequate compensation, an act of miserable parsimony and injustice on the part of the Whigs. Most of the grievances which the right hon. Member for Dorchester had alluded to were remedied in the manner in which he had hinted. They had therefore only to deal now with peculiar burdens. Take that of poor-rates. The most prominent feature connected with it was its progressive diminution. In 1834 they amounted to 6,317,254*l*., and in 1840 they fell to 4,576,965*l*. A most important question arose, as to the amount for which the land claimed compensation, for in 1818 the poor-rates amounted to 9,000,000*l*. Now, did the landed interest rest their demands on the large or the small amount? But compensation for such a charge appeared to him peculiarly objectionable, for it was holding out an encouragement to abuse to say that none could be remedied without lessening the claim to public indemnity. Besides, the compensation tax could never work fairly if given in the shape of a protecting duty on corn. A poor-rate was levied on every species of property—houses as well as land, and in proportion as you added to the price of corn, in order to benefit the landholders, you increased the burdens of the rest of the community who contributed their due share to the public revenue. In 1801, the number of inhabited houses (according to the statement of the right hon. Baronet the other night) was 1,875,456; and in 1841, it was 3,464,007. The right hon. Baronet gave the rental of land at 39,400,000*l*., and he showed the rental of houses, tithes, and railways amounted to 33,400,000*l*.; and though the latter description of property contributed to all the burdens of the State, and poor-rates amongst them, in an equal proportion to the former, a claim was now made on the one-half of the rateable property to indemnify the other half, because it happened to be held by landowners. Again, the rate was assessed not on the actual but the annual value, so that a man having 1,000*l*. in houses which yielded 7 per cent., but constituted a property of a perishable nature, paid twice as much as the man holding the same property in land yielding 3½ per cent, but being of an improving and permanent value. The landholders gave no encouragement to the formation of railways. They only held a very trifling proportion of shares, but the moment these works were formed they were heavily rated. He was fully justified, therefore, in stating, that whatever may have been the proportions in 1826, considerably more than one third of the poor-rate was now paid by property unconnected with land, and yet the holders of it claimed no compensation for their burdens, though every shilling that raised the price of corn constituted a double tax upon them. There was no end to petitions from boards of guardians, praying for the admission of corn duty free, at all events, for the use of the poor in workhouses. Land bore a somewhat larger share of the burdens of the country, only because it was the most widely extended property. It was constantly shifting its population, and its supply of unemployed poor to the manufacturing districts since 1831 was 300,000. The landholders were no more entitled to indemnity for poor-rate than Marylebone or Westminster were to charge their rates on the consolidated fund. To the county-rates precisely the same reasoning applied. They were raised for the purpose of administering justice, without which property could not exist. The land did no more than every borough town did for itself, and even as regarded the land itself, compensation could not be given without injustice in the way proposed, for there were 15,000,000 acres of pasture, and about 20,000,000 acres of arable land, and the duty on corn compensated the arable at the expense of the pasture land, for both were equally liable to the county-rate, yet by every shilling that the price of corn was raised, the price of every thing the grazier used in feeding his stock was enhanced. He came next to the highway rates, which might be considered one of the conditions of property. They formed the streets of the agricultural community, and should be no more paid for by the community than the paving and lighting of the City of London. The main trunks were paid for by the public through tolls; and it was the interest of the agriculturists to keep up the connections with them, not for the sake of the public, but their own. What was a farm worth without a road to it? And what would be the first act of a landlord when property was so situated, but to make a road as the most certain way of adding to his rent? The want of roads was an absolute curse to the landlord. Had Spain good roads to the coast, a most valuable corn trade might be opened to this country. The amount of highway-rates in 1832 was 1,169,891*l.*, while the tolls collected on main trunks were1,532,956*l.* As to tithes, he denied they could be called a burden on the land. They constituted a co-proprietary right, and were a distinct property arising out of the land. Land was bought either tithe-free or titheable. If tithe-free, so much more, if titheable, so much less, was paid. It might as well be said, by a man holding 1,000 acres, that he was aggrieved because he did not get another farm of 100 acres adjoining his own. They might differ as to the character of the property, or as to the purposes to which it might be most advantageously applied; but the landowners had no more right to claim compensation for its burden than he had to the estates of hon. Gentlemen opposite. Upon this point Mr. Deacon Hume said,

> "A corn law granted for the purpose of relieving the land from tithes, is a deliberate transfer of a charge from one party who is liable to pay it, to another party who is under no such obligation; and nothing but an increase of population, which has added greatly to the value of the remaining nine parts of the field, could have enabled the owner of it to execute a device for making the people pay him also for the tenth part, which never was his property."

The tenant, not the landlord, had a claim upon the State in respect to tithes, and the tenant's claim had been satisfied by the Commutation Bill, which was now being carried into effect. Tithes taken in kind were unquestionably a heavy tax upon the profits asising from the application of his capital and stock, but for this a commutation act, not a Corn-law, was the remedy. Another point alluded to in the Tamworth speech was Church-rates. He found that the charge on this account amounted to the miserable sum of 506,312*l.* upon a rental of forty millions, and one-third of that sum, at least, was paid by Dissenters. How often, in the course of the discussions which had taken place in that House upon the subject of Church-rates, had the payment of that charge been represented as a sacred duty. That was the language which the hon. Baronet the Member for the University of Oxford was in the habit of employing upon the subject. A few nights since the hon. Baronet presented a petition from the Bath Lay Association, which contained the following passage:—

> "That while your petitioners rejoice in witnessing the great exertions which have been made to enlarge our old churches, and to raise new ones to the honour of Almighty God, they lament to see a very small but highly discontented portion of their dissenting fellow subjectsagain agitating the country, in order to deprive the Church of England of her ancient, her just, and most undoubted rights of property, by endeavouring to abolish those Church-rates without which it would be impossible to keep our sacred edifices, whether new or of ancient structure, in repair, and thus are striving to work a grievous public injury, especially to the poor of our rural districts."

He could not consider Church-rates as bearing the character given to them in the petition, but those who did so represent them at one moment, ought not, at another, to call them a peculiar burden upon land, and call upon Parliament for compensation in respect to them. The petition went on to say—

> "Your petitioners humbly represent that Church-rates are an ancient impost, not levied on persons but on property, and that, consequently, whoever refuses to pay the same is guilty of a non-fulfilment of a clear engagement, which he made when his estate or house was rented or purchased."

He did not subscribe to this doctrine; on the contrary, he believed that Church-rates were a personal impost, and were justly felt as a great grievance by those who did not belong to the Church. But, however that might be, it was unworthy of English landlords, having given that description of Church-rates, afterwards to turn round and call them a peculiar burden upon themselves. He now came to the actual amount of all the burdens, as they were called, which he had enumerated, and which he must try to reduce to figures. In 1839 the county and poor-rates amounted to 5,412,865*l.* From that sum he would deduct one third, 1,804,286*l.*, as the portion assessed upon houses, factories, &c,. leaving 3,608,579*l.* for the whole amount paid by the land for the support of the poor and the administration of justice on a rental of forty millions. The amount of the Church-rate paid by the land was 337,875*l.*, and of the highway rates (one half) 534,936*l.*, making a total of 4,481,370*l.*, contributed by the landed interest. Thus, then, he arrived at the conclusion, that the sum of 4,481,390*l.* included all that the landed interest paid in the way of local taxation, as well as for the support of the poor and the administration of justice throughout the kingdom. Now, with respect to general taxation. The gross revenue of the country for the year ending the 5th of January, 1841, was 53,182,586*l.* Towards this amount the customs and excise and stamp duties contributed 45,415,330*l.*, the land tax only 1,817,341*l.* Adam Smith stated that the land-tax was imposed by the 4th of William and Mary, and it was originally intended as a substitute for feudal rights of the Crown. And a capital bargain the landowners had made of it, both in amount, and by the dexterity with which they had contrived to shift a large portion of that burden from their own shoulders. Adam Smith said,

> "The tax upon each district does not rise with the rise of rent. The landlords, therefore (he says), have almost all gained the difference between the tax which they, according to the present rent of the estates, ought to pay, and that which they do pay, according to the ancient valuation. A very considerable part of the produce of this tax arises from the rent of houses, and the interest of capital stock. The land-tax of the City of London amounts to 123,399*l.* 6*s.* 7*d.*; Westminster, 63,092*l.* 1*s.* 5*d.*; the parishes of Whitehall and St. James's, to 30,754*l.* 6*s.* 3*d.* A certain proportion is in the same manner assessed upon all the cities and towns corporate in the kingdom, and arises almost altogether from the rent of houses, or of what is supposed to be the interest of the trading and capital stock."

The produce of the land-tax, redeemed and unredeemed, paid last year upon lands and tenements, was 1,877,341*l.*, while 1,117,243*l.* was assessed upon other property. A great proportion of the house property, upon which the tax was levied, had sprung up within the last 150 years. If the tax were now levied as originally intended, on actual rent, it would produce about eight millions annually. The tax, however, had never been altered, although rent had quadrupled in value, and wherever house property had grown up in agricultural districts it was heavily rated, whilst the pressure upon land was being gradually diminished. It was important to compare the taxation borne by the land in foreign countries with that contributed by the landed interest of England. Although the return moved for by the hon. Member for Bolton had not yet been laid upon the Table, there were data sufficient to enable the House to arrive at a tolerably accurate conclusion upon that point.

	Thalers.
In Prussia, the whole revenue derived from land-taxes, customs, excise, salt monopoly, post-office, &c., amounted to .	51,740,000
Of which amount land-taxes yield altogether . . . . :	26,630,000
	Florins.
In Austria, the whole revenue from land-tax, customs, tobacco, and salt monopolies, lotteries, stamps, &c., amounted to, in round numbers . . .	164,000,000
Of which the taxes from lands and domains yielded . . .	87,000,000
Balance from all other taxes . .	77,000,000
	Francs.
In France, the gross revenue amounted to	1,018,750,000
Of which lands paid direct 359,499,000 Woods & registry, & domains 220,170,000	579,669,000
Difference for all other taxes .	438,081,000
Of this balance which does not fall upon land the Customs and Excise yield	165,103,000
Other indirect taxes	177,205,000
Post-office and post-horses . .	36,380,000
Stamps and other taxes . . .	59,393,000
	438,081,000

In Belgium, the gross revenue was 3,282,239*l.*, and the amount of the land-tax was 778,072*l.*, or about one-fourth of the whole. In England the land-tax did not amount to one-fourth of the duty on sugar or tea. It was about one-third of the tax which was derived from the poor man's tobacco, and not much more than was obtained from soap. He now came to the assessed taxes. The chief of those taxes was the window-tax, which no one could say was a peculiar burden upon the land. The produce of the window-tax was 1,404,642; of which the landowners paid, perhaps, 140,465*l.*; for dogs, game duties, and armorial bearings, they paid 397,000*l.*; for their share of the duties on houses, carriages, &c., they paid 275,356*l.*; for their share of the land-tax, say 1,000,000*l.* This would give 1,812,821*l.* as the sum which the landowners contributed to the direct taxation of the country. He had almost outraged probability in order to arrive at this result, for the landowners did not number more than 60,000, and there were in Great Britain only 187,075 occupiers of land employing labourers. The gross sum paid by this body in local and direct taxation was —for the former, 4,481,370*l.*; for the latter, 1,812,821*l.*; making a total of 6,294,191*l.* Against that he must set the special exemptions which the land enjoyed, some of which were of the most formidable character. In the first place, the landowners enjoyed exemption from the stamp duties which were payable by all classes but themselves. In 1841, the probate duty amounted to 897,705*l.*, and the legacy duty to 1,200,371*l.*, making together 2,098,076*l.* During the same period, not one shilling was levied upon landed property. But it would be said, that there was a stamp-duty on the transfer of real property. It was difficult to get at the precise amount of duty derived from stamps connected with the sale of land, but it must be borne in mind that such transfers were only occasional, whilst the other operations were perpetually recurring. Even as it was, however, the stamp-duty on the transfer of land was by no means equitably apportioned, as the following statement would show:—

"Landed property of the value of 750*l.*, and not reaching 1,000*l.*, is liable to a stamp, on transfer, of 9*l.*	"Personal property, of the value of 800*l.*, and not reaching 1,000*l.*, is liable to a probate duty of 22*l.*, and also to the legacy duty.
"Again, landed property of the value of 8,000*l.*, and not reaching 10,000*l.*, is liable to a stamp, on transfer, of 85*l.*	"Personal property, within the same limits of value, is liable to a probate duty of 240*l.*, and also to the legacy duty.

"With a similar disproportion in all other amounts."

If he were to deduct half a million for stamps on the transfer of land, there would still remain one million and a half of special exemptions to set against the special burdens on land. The amount upon which probate and legacy-duty had been paid since 1797, at rates varying from 1 to 10 per cent., was 1,081,368,027*l.* It should not be forgotten, too, that when the stamp-duties were originally proposed by Mr. Pitt, in 1796, they were intended to affect both kinds of property equally. The bill to effect that object was brought into the House, and passed with great difficulty. It was carried, on the third reading, by the casting vote of the Speaker; but was afterwards dropped, as a peace-offering to the country gentlemen, and since that time no Minister had brought it forward. He (Mr. Ward) was sorry to find, that even the right hon. Baronet did not consider himself powerful enough to propose it. He (Mr. Ward) had heard nothing of a proposal for the extension of the probate-duty and the legacy-duty to real property in the right hon. Gentleman's statement of Friday. The exemptions upon a smaller scale enjoyed by the landed interest were innumerable; he might multiply them almost *ad infinitum.* Assurances upon farming stock were subject to no duty; a farmer whose rent was less than 200*l.* per annum paid no window duty; no duty was payable upon dairy windows in any case, or on brood mares, bailiffs' horses, shepherds' dogs, or the drainage tiles; and no tolls were claimable upon lime, manure, or agricultural implements. He had discovered something new during his researches upon this subject, which was, that no assessed taxes could be claimed for a house occupied by a bailiff. He had paid window-duty for the house occupied by his bailiff last year, but he should do so no longer. The case of Lord Middleton's bailiff had been referred to the judges, and the point was now settled, and if the hon. Member for Knaresborough were in his place, it would horrify him to hear that the agriculturists were specially exempted from the operation of the laws directed against the truck system—they were allowed to pay their labourers in kind. There were a hundred other cases of exemptions all decided recently by the judges in favour of the land. He found in the assessed tax cases, just published, that the house of a farmer, who was also a brickmaker, paid no duty. The brickmaker would pay, but the farmer was exempt; and the exemption of the farmer covered the liability of the brickmaker. The same decision had been given in the cases of wheelwrights, land-surveyors, and cattle-jobbers, who united farming to their other occupations. This state of things was producing the worst possible effect in the public mind. Persons felt jealous of the exemptions which they saw neighbours enjoying merely because they happened to belong to a particular class. Upon this point he would take the liberty of reading to the House a letter which he had received from a person in business near Edinburgh. It was as follows:—

"Living a little distance from Edinburgh, I occupy a house, the rental of which is 20*l.*, and in which there are ten windows; for these I am assessed 1*l.* 10*s.* My neighbour, a farmer, renting a house with fifteen windows and land. with a rental of 190*l.* per annum, pays nothing.

"Again, on my stock-in-trade, I am assessed 3*s.* of duty to government on every 100*l.* I insure against fire. The farmer, my neighbour, insures likewise at the same office on his stock, but he is a privileged person; he has the same protection from the fire-office that I have, but being a farmer, he pays no duty.

"Again, I am assessed for my saddle-horse 1*l.* 11*s.* 6*d.*; my fortunate neighbour, being under 500*l.* yearly rent, pays nothing.

"Should my neighbour require to sell his potatoes, turnips, carrots, &c. by public auction, as is generally the case in this part of the country, he may, being a privileged person, auction them himself, without a licence, and without any duty being payable on his crops; should I attempt the same, I must either employ an auctioneer, or take out an auction licence costing 5*l.* 15*s.*, and every article of my stock would be liable to pay a duty to Government of 5 per cent.: but I would tire you were I to go over all the exemptions which the landed gentry have created, such as exemptions from tolls on lime, manure, &c.; no duty on drain tiles, on shepherds' dogs, taxed carts, &c. When we think on these things, is it not wonderful to look at the patience of the people enduring this class-legislation. Their eyes, however, are now opening to these unjust privileges, and I hope the discussion raised on your motion will still further confirm their determination to get these privileges quickly abolished, which can only be effected by an union of the commercial and working classes.

"I am, with respect, yours, &c.,

"3rd March, 1842."

He was actuated by no ill feeling towards the farmers. On the contrary, he was a farmer himself, and he considered them in general as forming a most meritorious class, and deserving of all fair encouragement; but the exemptions to which he had directed the attention of the House were not fair. If the principle upon which those exemptions proceeded were fair, why was it not carried further? Why was it not applied to wool, cotton, and iron, as well as to land? At all events, those who enjoyed these exemptions had no right to complain of peculiar burdens. It was very easy to call everything a peculiar burden. He had no doubt that before another year had expired, they would hear that the income tax was a very peculiar burden on the agricultural interest. As he had before stated, the amount of all the burdens upon the land, peculiar or not, was 6,294,191*l.*, from which he must deduct a million and a half on account of the exemption from probate and legacy duty, and 500,000 for minor exemptions, which would reduce the burden upon land to 4,294,191*l.*, and that sum was levied upon a rental of thirty-nine millions and a half. He had endeavoured to ascertain the comparative rating in agricultural districts and in towns. For this purpose he had taken two farms with which he was acquainted, situated at a short distance from London, and he found the following to be the charges to which the tenant was subject:—

Rent, £204 15*s.*

Poor-rates	£46	8	0
Surveyor's-rate . . .	5	16	0
Church-rate . . .	4	7	0
Land tax	11	14	0
	£68	5	0

In the second case the charges were:—

Rent, £323.

Poor-rate	£69	0	0
Surveyor's-rate . . .	17	3	0
Church-rate . . .	4	5	9
Land tax	23	0	0
	£113	0	9

He took three houses in the metropolis, situated in Bishopsgate Without and Piccadilly, and he found the charges upon the tenant were as follows :—

BISHOPSGATE-STREET WITHOUT.

Rent, £120.

Poor-rate, about	£12	10	0
Church	7	10	0
Police	3	10	0
Assessed taxes	12	10	0
Consolidated, as lighting, cleansing, &c.	3	10	0
Sewer rate and minor rates	3	0	0
	£42	10	0

PICCADILLY.

Rent, £200.

Windows (including 10 per cent.)	£6	12	6
Land-tax	2	16	0
Poor, 11½*d.*; Police, 6*d.*; and County rate, 3½*d.*	5	1	6
Paving, &c.	2	3	6
Sewers	0	14	6
	£17	8	0

Rent, £130.

Windows (with 10 per cent.)	£4	14	3
Paving, &c.	2	1	3
Land-tax	2	6	0
Poor, police, and county rate	4	16	3
	£11	17	9

Rent, £70.

Windows (with 10 per cent.)	£5	12	3
Land-tax	1	4	0
Poor, police, county, paving, &c.	7	18	4
	£13	14	7

PARISH OF ST. JAMES, WESTMINSTER.

Rent, £1,200.

Poor-rates	£64	16	3
Paving, lighting, &c.	59	15	10
*Assessed taxes (one sixth)	72	12	9
	£197	4	10

PARISH OF MARYLEBONE.—OXFORD-STREET.

Rent of shop and workshops, £900.

Assessed taxes	£ 9	1	0
Parochial rates (not one tenth)	73	2	6
(one eleventh)	£82	3	6

ST. JAMES, WESTMINSTER.—MARYLEBONE-STREET.

Rent of premises, £105.

Assessed taxes	£10	9	0
Land-tax	5	14	4
Parochial rates	7	5	0
(under one fifth)	£23	8	4

The rates varied according to the different parishes, and the better or worse parochial management in each; but so they did in the case of the farms, in one of which, the amount of the meanest item, the poor-rates, was swelled by the fact, that the union to which it belonged had exceeded its estimate in building the new workhouse; while, in the other, which was a very small parish, 56*l.* was spent in one case of ill-advised litigation. But, with these proofs before them, that there was no great disparity between the assessment of land and house property, and that the charges upon each were very similar in their nature, how could hon. Members talk of the peculiar burdens which entitled the agriculturist to a higher protection than an 8*s.* duty on the importation of foreign corn? For his part, he could not see in what the difference between agricultural and town property consisted, or what claim could be founded upon one species of property which would not be equally valid for the other. Above all, he could not see upon what ground one class of the community was to be fostered at the expense of all others. A duty upon the import of foreign corn raised the price not merely of the quantity imported, but of the whole quantity consumed in the country. Supposing we consumed 20,000,000 qrs., an 8*s.* duty would add 8,000,000*l.* to the price. The right hon. Baronet calculated that he duty at which corn would be imported under his scheme would be between 12*s.* and 14*s.*, which would enhance the price of corn to about twelve or fourteen millions. He should be told, perhaps, that these questions of finance and political economy were not fit subjects for the inquiries of a committee; that they were too vague, too undefined, and could never lead to any practical conclusion. He must remind the House, however, that there had been committees on very analogous subjects. They had had committees on county-rates, by which the land had benefitted considerably, for it had recommended the transfers to the consolidated fund of one-half the expenses of gaols and prosecutions in the counties; and upon the general question of agricultural taxation. He was glad to adduce a very high authority in support of the motion with which he was about to conclude. In 1834, when the Marquess of Chandos brought forward the motion to which he (Mr. Ward) had already alluded, the right hon. Baronet, the Member for Tamworth, said,—

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* Land-tax not included.

> "The noble Marquess has consented to remit the surcharge upon horses employed for agricultural purposes. I wish he would consent to appoint a committee of intelligent Members of this House to consider the whole question of those taxes that bear directly or indirectly upon agriculture, and to inquire whether the whole system of local taxation, including the costs of criminal prosecutions, county-rates, poor-rates, in short all the items of local taxation, be fairly appropriated. I very much doubt whether the local taxation of the agricultural district is fairly appropriated. All this requires to be made matter of minute investigation."

He (Mr. Ward) now asked for the appointment of such a committee for the sake of all classes of the community. Agriculture was now prosperous, and trade depressed, but that did not alter the force of the right hon. Baronet's argument. He wanted to have something tangible, something with which they could grapple, something which would form the basis of legislation. He wished for that information for the benefit of others; but, for his own part, he was satisfied that land paid no more than its fair proportion of the public charges; and if it paid largely in comparison with other interests, it was only because of its greater value. In conclusion, he thanked the House for the patience with which they had listened to a statement, a great portion of which had, he was aware, consisted of dry details. He concluded with moving—

> "That a select committee be appointed to inquire whether there are any peculiar burdens that specially affect the landed interest of this country, or any exemptions enjoyed by that interest, and to ascertain their nature and extent."

Colonel *Wood* said, that he apprehended the motion with which the hon. Gentleman had concluded his speech, was not that of which he had given notice, and, therefore, that the forms of the House would prevent its being made. If the House would permit him, however, he would address to them a few observations upon it, and they should be very few; for on a question that had been so exhausted, he did not think they would be disposed to listen to a speech of any length. The hon. Member seemed to think, that there were no peculiar burdens on the land. He would not follow him through the figures he had quoted in support of his proposition, for he confessed he did not clearly comprehend them. But he held in his hand papers which had been laid on the Table of the House, which he thought would show the House and the country the burdens for which the land was peculiarly liable. He found from these, that in the year 1826 the amount of money levied for the poor and county-rates was no less than 6,966,000*l*., which was divided under the following heads:—Land, 4,795,000*l*.; dwelling-houses, 1,814,000*l*.; mills and factories, 259,000*l*. So that while the land paid 4,795,000*l*. for the support of the poor in 1826, mills and factories paid only 259,000*l*. He was unwilling to drag before the House this sort of contrasts, for he did not stand there to support the laws regulating the importation of corn merely because the landowners were interested in them, but because he felt that an undue importation of corn would put in jeopardy the land, and thereby seriously injure the poor of this country, because he maintained that all classes were deeply interested in the subject. The hon. Gentleman had said, that he would put out of view the price of cultivating land in foreign countries, because that was a question on which the House was not called upon to inquire. Why, the main feature of this question, in his opinion, was whether or not the corn in foreign countries could be cultivated at so much less cost, that if it were allowed to come in free of duty it would throw out of cultivation the greater portion of the land of this country. He thought it was a great mistake to object to these laws, that they gave the grower of corn peculiar advantages. That was not the object with which the Corn-laws were enacted 150 years ago, but to provide that whenever the average price of corn should intimate that that quantity was equal to the demand, the importation of foreign corn should be subjected to a prohibitory duty. That had ever been the principle of the Corn-laws, and from that principle he hoped they would never depart. Whatever Gentlemen on the other side might say respecting this measure, he believed, the great mass of the community thought it a great amelioration of the present system, and one which held out the fairest prospect of giving a regular and uniform supply. Of this he was quite certain, that if hon. Gentlemen wished to do good to this country, they would no longer oppose this measure. The effect of retarding the progress of the bill would be exceedingly injurious. At present the trade in corn was suspended, and he was sure they could not do a greater injury to the poor than by preventing this bill from passing into a law.

Mr. *Milner Gibson* said, he could not agree with the hon. Member who had not spoken, that this question had been already sufficiently discussed. On the contrary, it was his belief that the question relative to the peculiar burdens on land had not been discussed half enough. The sliding-scale had been discussed, and so had the fixed duty, but on the question now before them there had as yet been no discussion whatever. Why, in speaking of the poor-rates, had the hon. Gentleman selected the period of 1826? Why not come to a nearer period? At that time the wages of labour were paid out of the poor-rates. The question had now been brought forward in a most legitimate form, and the country was much obliged to the hon. Member for Sheffield for bringing it forward in the way he had done. People complained that they were prevented from following the trade or occupation most advantageous to them. This was a great evil. There might be reasons for such a course, but it lay with the Legislature to show the existence of those reasons. The manufacturers said they had as good a right to produce corn and cattle through the agency of their looms, as the landholders through the medium of their land. They had as good a right to bring the produce of their looms to market, as the landholders had to bring the produce of their land to market. All that was now asked was, that they (the landowners) should show a reason for keeping up the sliding-scale and the duties on corn, in order to prevent a fair exchange of the produce of industry. The right hon. Baronet at the head of her Majesty's Government talked of the necessity of keeping the country independent of foreign corn; but if that were his principle, his own Corn-law could not be defended, for if the policy were to keep England independent of a foreign supply, in proportion as the population increased the protection ought to increase, in order to force from our own soil the increased supply required for a larger population. It was clearly acting against the right hon. Gentleman's own principle to decrease protection in proportion as the demand increased. He must say, that he thought the right hon. Gentleman was merely pandering to prejudices when he put forward such arguments. He did not believe that the right hon. Gentleman really thought that England could be kept independent of foreign countries for a supply of food. With respect to the peculiar burdens said to rest on land, if the question lay between the land of this country and that of foreign countries, and if the object was to give protection in proportion to the degree in which foreign land was less heavily burdened than land in this country, then it would be necessary to have a different scale to regulate our corn-trade with every different country. Over the burdens to which foreign countries were subject that House could have no control, but it had a control here, and should equalise the burdens so as to make them fall equally on all classes. The hon. Member for Sheffield was right, then, in describing these peculiar burdens on land as the only plausible pretext of the landed interest for maintaining the Corn-laws. It might do very well to make vague and indefinite assertions, that land was the foundation of all the wealth of the country; it might do very well to assure a meeting of farmers that they were the people who paid the bulk of the taxes; but it would not do to come down and say so in that House, or to make such assertions in any meeting of reasonable men. With our great colonial empire, and our vast commerce, it was absurd to say that the prosperity of this great country depended on keeping a few acres of sand or of wet clay in cultivation for wheat. If they refused this motion, they would lay themselves under a suspicion that they could not make out their case if they went before a committee. Every one knew that to increase the price of corn had the effect of raising the revenue of the owners of land; and if they refused this committee, they would strengthen the suspicion that to increase their own revenues was the only object in view. At a period of distress like the present, it would be particularly ill-judged to strengthen such a suspicion. Even if the state of the country were a flourishing one, it would be dangerous; but how much more incumbent was it on them, at a time like the present, to give a satisfactory reason for what they did in a question like this. The right hon. Baronet admitted that the Corn-laws caused a little of the distress that prevailed throughout the country; but why, without a good and sufficient reason should they do what had the admitted effect of inflicting a little distress upon the people? Refuse the committee, and the landowners would confirm the suspicion that they were legislating for their own interests. It was notorious that landowners had done so in former times. The landowners about the metropolis petitioned Parliament at one time against the construction of turnpike roads, on the ground that they were prejudicial to the interests of the land near town. The question was exciting a feeling among thinking people, such as had never been known before. People began to express a belief that the object of these laws was to degrade the commercial and manufacturing interests. The people believed that there was a desire to uphold agriculture by keeping down trade—that there was a wish to favour one class at the expense of another; but they might be assured that the people would not be satisfied till all classes were put on an equal footing.

Mr. *Darby* said, that the present motion was very different from that of which the hon. Member for Sheffield gave notice for Thursday last, and he was glad the House did not sit on the day referred to, because it had induced the hon. Member for Sheffield now to develope his views. It was plain that the hon. Gentleman shrunk from his former motion. His motion was for an inquiry into the peculiar burdens on land, and what he said was, that on less peculiar burdens on land could be shown he could not consent to the existence of the Corn-laws. If that were the hon. Gentleman's object he could not accede to his proposition, although he had no fear of a full inquiry; but it was manifest that the hon. Gentleman mistook an element in consequence of the Corn-laws for these laws themselves. It had been proved by Mr. Huskisson and others that starvation prices were compatible with a free-trade in corn; and the great object of the Corn-laws was, at the same time, to prevent great fluctuations and starvation prices. Viscount Melbourne had indignantly declared that no new facts had been elicited by the import committee, and this showed the absurdity of partial inquiry. Land was affected, indirectly as well as directly, by taxation, and this was proved in the instance of the malt tax. Hon. Gentlemen opposite seemed to mistake the purpose of the Corn-laws altogether. The object was to secure a constant and regular supply of corn. They had the authority of Mr. Jacob that, if even a small part of their supply failed them, the whole world would be unable to make it up. It was on the land at home that the population of the country must be dependent for their supply of food, and if any large portion of the land in England was thrown out of cultivation, the people of England must be subjected to great fluctuation and to starvation prices. The object of the Corn-laws was not to keep up the price of corn to an extravagant height, but to secure a supply of corn by preventing land from being thrown out of cultivation. If they went into a committee to inquire into the burdens borne by land, the range of inquiry would be much too narrow, and they would find themselves obliged to go into the whole subject of land. The impediments to the malting trade, and the prohibition of growing tobacco or beet-root, must be inquired into; but even then, if a principle were set up that they ought not to legislate on corn, unless they could show the existence of burdens on land, he must repudiate such a principle. It was his solemn belief, that with a fixed duty, or with such a duty as should not be found a sufficient protection, there would very soon be famine prices. Unless they encouraged the growth of wheat, land must be thrown out of cultivation, and then all the world would be unable to furnish the wheat that this country would require.

Dr. *Bowring* said, that if he had understood the hon. Member for East Sussex he had expressed a wish to see the inquiry proposed by the hon. Member for Sheffield's motion extended to the whole subject of landed burdens and exemptions, a proposal which, doubtless, the hon. Member would willingly accept. There was no doubt that to throw impediments in the way of this or that manner of cultivating land was a burden on land, and this would form a legitimate subject for inquiry in the committee now moved for. He (Dr. Bowring) could not but think, that if the whole question were gone into, the fears as to the danger of a decrease in the value of land in England, by the admission of corn at a low duty, would be shown to be groundless. The hon. Member had gone out of his way to blame the Import Duties

Committee, but the right hon. Baronet (Sir R. Peel) had paid homage to the labours of that committee in the propositions he had laid before the House. In almost every country but this, land formed the chief source of revenue. Mr. M'Culloch estimated the land-tax of France at one-fifth or one-sixth of the whole revenue of the country. He believed it was much more. The *impôts fonciers* amounted to 262,000,000*f.* or 10,480,000*l.* and the registration to 175,000,000*f.*, or 7,000,000*l.* In Belgium the whole revenue was 3,300,000*l.*, while the land-tax amounted to 1,163,000*l.* If a land-tax in this country was raised in the same proportion, it would amount to 17,000,000*l.* In Prussia the direct taxes upon land were extremely heavy. The whole revenue of Austria was 16,000,000*l.*; and of that sum 8,000,000*l.* were paid by the land. In Denmark the total amount of revenue was 1,500,000*l.*, of which 300,000*l.*, or one-fifth was the produce of the land-tax. If the landed property in England were taxed in the same proportion, it would pay 10,000,000*l.* towards the national revenue. Four-sevenths of the revenue of Greece was derived from land. If the land in England were taxed in a similar proportion it would pay 30,000,000*l.* sterling instead of 1,250,000*l.*; and they must bear in mind that our land was far more productive, and therefore, far more able to endure heavy burdens, in the shape of taxation, than that of most of the countries he had mentioned. In some of the cantons of Switzerland the taxes upon land produced nearly one-half of the whole revenue. It seemed to him, that instead of hon. Gentlemen opposite being able to prove that the agriculturists were subjected to peculiar burdens, it would appear that the legislation of the country was a history of exemptions granted to the landed interest especially. That was easily accounted for: a landed interest had been predominant in the Legislature, and it was in human nature that the effect should be as he had stated. When the hon. Member for Stockport had appealed to the right hon. Baronet to state his views with respect to the burdens on land, he replied that it was a philosophical point, upon which much division of sentiment existed, and he was not able to express a decided opinion. Parliament had a right, therefore, to call for results which could be recorded upon paper of those peculiar burdens which had been so much talked about, and he could not believe the country would be satisfied without the fullest information.

Mr. *Scarlett* was prepared to resist the motion, because it was a motion for an inquiry into an abstract question. He would remind the hon. Member and the House that landed property was constantly the subject of legacy—in this way, that the land was required under the will to be sold, and its proceeds distributed by the executors under the will. The land, so far, contributed to the state through the medium of the legacty duty. He thought it was quite clear that the great bulk of the taxes was ultimately paid from the land. Hardly any one would deny, that the greatest consumers paid the greatest portion of our taxation, and also that the landed interest were the greatest consumers, and therefore were those who paid most. Indeed, this was so strictly true, that the landlords in effect, paid not only the taxes on the luxuries, but also the necessaries of life. [*A laugh, and ironical cheers.*] Hon. Members might question this assertion, but they were not to attribute the discovery of the facts on which it was made to his own genius, for the assertion and the argument on which it was made were to be found in that able writer Dr. Adam Smith. If this question were to be permitted to be sifted thoroughly in a committee above stairs, he was persuaded it would appear very clearly that the land bears all the burden of taxation; certainly, in the proportion of four to one. Another important consideration should not be lost sight of—namely, that the price of corn must affect the price of labour, and the price of labour that of corn, reciprocally. The rent of the land of this country had been taken by a high authority at 40,000,000*l.* a-year, without including the interest payable upon mortgages, which, might, perhaps, be estimated at 10,000,000*l.* sterling. The whole rent paid might fairly, then, be taken at 50,000,000*l.* yearly. Now, the total produce was taken, by the same authority, to be about 250,000,000*l.* sterling. The House would see that if it agreed to reduce the price of commodities one-fifth, this reduction would be really equal to 50,000,000*l.*, or to the whole amount of the rents payable throughout the kingdom. Again, with reference to quently in the habit of being estimated the national debt and its pressure upon the public, it was very important for the House to consider the effect which a diminution of the price of corn would have upon the public debt; for as everything might be estimated, and was now frequently in the habit of being estimated, for purposes of argument, by a corn price, it must follow that if they agreed to diminish the price of corn to the extent of one-fourth, the debt of the public would then represent a greater number of quarters of corn in the same proportion; or, in other words, would increase the public debt in the same proportion as the price of corn had been depressed.

Mr. *Childers* said, it was frequently contended, that in consequence of certain burdens being specially imposed upon land, a more extensive protection ought to be afforded to the landed than to the other interests of the country; and this protection had, of course, the effect of raising the price of corn. He thought that a clear distinction had not been drawn between the burdens on land and the burdens on agriculture. The burden of taxation had, in all countries, naturally fallen upon land; but he denied that the landed interests of England had been peculiarly affected by taxation. If he were asked why this was, he would reply that the landed interests had always been so powerfully represented in that House, that they had never permitted the imposition of any burden upon land which they could possibly avoid. In those countries where despotic power was exercised, land had been found the most easy subject of taxation; but, although England produced an immense revenue, a very small portion was raised directly from land. In Denmark one-third of the revenue was raised by direct taxes on land; in Austria one-half the whole amount of taxation was paid by the landed interest; in Belgium upwards of one-third of the taxation was obtained from land; and in France the proportion of the whole taxation borne by the landed interest was about one-fourth. In England, however, the landed interest contributed towards the revenue, not more, he believed, than 1,250,000*l.*, or only about one-fortieth part of the whole amount of taxation. In the countries to which he had alluded the agriculturists might, according to the arguments of hon. Gentlemen opposite, justly put forth claims to very extensive protection. Such, however, was not the case; for in Holland, where the land was so highly taxed, the trade in corn was nearly free. With regard to the local burdens which hon. Gentlemen on the other side had dwelt so much upon, he thought that as it was contended that the object of the present Corn-law was not to keep up rent, but to give such a remunerative price as would prevent land from going out of cultivation, it might be proved, that all those local taxes fell upon the rental, and if they were done away with, not the farmer would be benefitted, but the landlord. If there were neither tithes nor poor-rates, the farmer would pay more rent, and would not, therefore, receive the advantage. There might be taxes upon agriculture which would prevent corn from being raised at as low a price as might be, but upon that score the farmers had no claim to protection, inasmuch as those burdens had of late been very much mitigated, and he might mention tithes in kind as an example. The Tithe Commutation Act and the Poor-law, had contributed also to lighten these burdens. He thought the only real burden that now existed upon the land was the Corn-law itself. That law was the greatest injury to the landed interest. He believed if the Corn-law were abolished, they would soon see in England what was seen in Scotland, where they were adopting the newest and best principles of cultivation, and were able to raise corn without the fear of Corn-laws before their eyes.

Mr. *G. Palmer* was unwilling to make any observation which reflected upon the objects or motives of the manufacturing interest upon this occasion, and he felt an equally strong objection to suffer the impeachment that had been made against the agricultural interest to be unrefuted—namely, the imputation of the agriculturists, for their own interests's sake, were disposed to starve the manufacturing classes. That accusation was totally without foundation. The interests of the two were essentially interwoven, and there was no one interest in this great country the welfare of which was not affected by and did not affect the interest and welfare of the other; and more particularly was the welfare of the manufacturer dependent upon that of the agricultural body, which was the first consumer and best customer of the manufacturer. The manufacturer and the merchant had many advantages which the agriculturist had not; and he believed he spoke the truth when he said, that many English manufacturers had invested their capital in manufactures in Belgium—which, far be it from him to say, that they had no right to do—and it was well known that large quantities of machinery had been manufactured in this country and exported to other countries, and yet the manufacturers came forward and complained of the competition of manufactures established in those countries. Look at the facilities of manufacture which the manufacturers enjoyed. It had even been boasted that cotton brought into Liverpool on the Monday had been manufactured and re-exported before the following Saturday night. The agriculturist had no such facility; he could not prepare his land, sow the seed, and reap his crops in so short a time, or anything like it. The manufacturer could turn his capital twenty times in a year by means of the system of credit which had of late years been established in this country, which enabled him, in the course of ten or twelve days after the shipment of his goods, to get the bills discounted with which they were paid, whereas the agriculturist could only turn his capital once in the year. But there were other parties whose interests must be considered. The small tradesman, the shoemaker, and the mechanic, were manufacturers also; and if, by withdrawing all protection, agriculture were to be discouraged and destroyed, how were those persons to be maintained? He had no wish to keep up any one individual interest at the expence of others; but he knew that the prosperity of the country depended upon the cultivation of the soil. That which, under the providence of God was produced by the land to support the life of man was that which, when reduced into the currency of the country, formed the capital of the country; and if, by any regulation, they reduced the value of that capital, which now entered into manufactures as well as agriculture, and set the whole engine in motion, would it not have the same effect upon the whole trade and interests of the country as would be produced upon any manufacturer or merchant if they deprived him of a portion of the capital which he had embarked in his trade? He could have wished that a committee had been appointed to consider what were the burdens, not upon any one particular interest, but what were the burdens upon every interest in the country which required protection as against other countries. He would encourage foreign trade, but he would not sacrifice the home interest for the sake of it. We must guard that we had; and if this country was but true to its own interests, no power on earth could injure it. There was no want of resources in this country. Mr. Pitt had raised from it hundreds of millions of money, and yet the country prospered. The country had not become poorer in consesequence, and he trusted that equal prosperity would result from the measure now proposed by the Government.

Sir *R. Peel:* I wish, Sir, to call the attention of the House to the time at which, and the circumstances under which the motion of the hon. Gentleman opposite is made. This is, I believe, the fourteenth night we have been kept in discussion upon the Corn-law, and as yet we have not been allowed to go into committee. There are some hon. Members on the opposite side of the House who differ from this bill, who object to the principles of this bill, who are adverse to the details of this bill, and yet who—seeing the large majorities by which it has been affirmed in this House, and considering that the sense of the House has been fairly and fully taken,—considering also that the trade of the country in general, and the corn-trade in particular, is affected and embarrassed by continual delay—seeing also that this bill is admitted to be a great improvement of the law, seeing that it is admitted to be a considerable mitigation of the existing evils derived from the present state of the law—have come to the conclusion, consistently and most wisely as I think, that the sense of the House having been so unequivocally manifested, the sooner the advantages of the bill are reaped the better. The question for them to consider is, whether there be any prospect of overruling the sense of the majority of this House, and if there be not, whether, upon a comparison of evils and advantages, it is wise to go on with a protracted, and in the end, useless discussion. The hon. Member had the whole of last Session to consider his proposal: he knew the Corn-law must come under discussion, he had full and ample opportunity for proposing his committee, yet he permits us to have thirteen nights of discussion, five of which were upon a subject identical with the present —the preference of an absolute repeal over the proposal of the Government—and yet on the fourteenth night the hon. Gentleman comes forward and proposes, that the whole proceeding on the Corn-law be suspended until his committee shall have made their report. What I call upon the hon. Gentleman to do is, to adhere to his own notice. The object of giving these notices was not to mislead. The object is to instruct the House, and to inform it of the nature of the motion which it is intended to bring forward. But here, the hon. Gentleman also has been spending his time in ransacking hustings speeches —who has been looking over all the debates of 1834, after thirteen nights of debate, with the country expecting, that the House will at last decide what is to be the law regulating the importation—here the hon. Gentleman comes down and occupies our time, not with reference to the existing debate, but with a recitation and comparison of all that the Duke of Buckingham has said, all that I have said, and all that other persons have said, in the year 1834. And this the hon. Gentleman thinks will satisfy the impatience of the country! This, he thinks, will afford a gratification to the people, who are anxious to have the question settled and the law determined! He satisfies the country and gratifies the people, not by discussing the question properly before the House, but by leisurely reviewing the proceedings which took place six or seven years ago. I ask the hon. Gentleman, who has given so much time and attention to this subject, at least to make up his mind as to what his motion shall be. I came down to the House to-night expecting that he would, at all events, adhere to the motion of which he had given notice. That notice of motion, no doubt, is a perfectly legitimate and fair one. It was in these terms:—

> "On the motion that Mr. Speaker do leave the chair to go into committee on the Corn Importation Bill, to move, That it is inexpedient to impose any duty upon the importation of foreign corn until this House shall have inquired whether there are any special burdens peculiarly affecting the landed interest of this country, or any special exemptions enjoyed by that interest, and shall have ascertained their nature and extent."

According to that motion the issue fairly brought before us is this—shall the Corn Importation Bill be postponed till this committee which the hon. Gentleman would appoint shall have concluded its inquiries and made its report? I ask the hon. Gentleman to stand by his own notice, and bring that question to issue. I ask him to claim leave of the House to withdraw the motion with which he concluded his speech, and adhere to that of which he gave notice. Let me understand, as I have a right to understand, whether the House of Commons is now of opinion that the Corn Importation Bill shall be pursued to its completion, or whether it shall be suspended indefinitely, until the hon. Gentleman's committee shall have reported. I ask the noble Lord who sits on the hon. Gentleman's right hand whether it be not consistent with the usages of Parliament that I should ask the hon. Gentleman to adhere to the motion of which notice was given upon the paper? The hon. Gentleman originally gave notice for the appointment of a committee. It was competent to him to renew that notice. But, instead of doing so, he alters the terms of his motion, and expressly joins issue with me as to whether I will assent to the appointment of a committee, or take the sense of the House upon the question that no Corn-law shall pass until a committee of inquiry shall have reported as to the existence or non-existence of any special burdens upon the land. I say that, consistently with fairness, and with all the usages of Parliament, he ought to bring forward the motion of which he gave notice. He had ample time to consider his course, and determine what it should be before he placed his notice upon the order paper. It is something perfectly novel for the hon. Gentleman to give a specific notice of motion—not to offer one word of intimation to those opposite to him of his intention to change that motion—to make the whole of his speech without saying that he had altered his mind, and then, at the close of a long address, quietly to put into the hands of the Speaker, not the motion which the House, from his notice, expected from him, but another motion of a very different character. I will not now stop to inquire whether, in this stage of our proceedings, it is fitting or not that a committee should be appointed to consider this question. But this I say, that I for one will not consent to a suspension of the Corn Importation Bill until such a committee shall have been appointed, and have made its report. I separate the question of the fitness or unfitness of appointing a committee, from the question of whether this bill shall be suspended or not suspended. The appointment of a committee, considered by itself, may be proper or not proper, but I maintain it is not proper if adopted for the purpose of suspending this bill. Depend upon it you will not carry public opinion and public favour with you in the attempt to pursue this course of obstruction and delay. You knew last Session of the intention of the Government to deal with this question. I never taunted the noble Lord (Lord J. Russell) for not stating exactly what were the burdens upon the land which he regarded as a justification of his proposal for placing a fixed duty of 8*s.* upon the importation of foreign corn. What I said was this, that the noble Lord would labour under the same difficulty as I did in specifying the exact amount of burden upon the land, in consideration of which he proposed to give a protection of 8*s.* I was challenged to show why a maximum of 20*s.* was necessary to protect the landed interest. I said, that that objection would apply with equal force to any specific amount of protection that might be proposed, whether fixed or graduated. I rested the claims of the land to protection, not upon its peculiar burdens alone, but upon other grounds. I said, that protection to the produce of the soil had been afforded for the last 150 years—that large capital had been invested on land under that system of protection—and that nothing, therefore, in my opinion, could be more unwise than to risk the disturbance of the interests embarked in agriculture by the sudden withdrawal of the protection which had so long been afforded to them, under which the existing relations of society had, in a great degree, been formed, and in reliance upon which so much wealth had been directed to the cultivation of the soil. You have a perfect right to differ from me in that view, and to tell me, that my opinions are mistaken. I said, that another ground for affording protection was, to insure the cultivation of the land, and such a growth of domestic produce as should prevent the risk, the imminent risk, as I thought, if all protection were discontinued, of placing the country in a position of entire, unqualified dependence upon foreign countries for a supply of corn. To make insurance against such a calamity, I said I thought it necessary to continue protection to a certain extent to our domestic agriculture. I said, also, that I firmly believe, that there are special and peculiar burdens affecting the land as compared with the other great interests of the country. The hon. Gentleman (Mr. Ward) scoffs at the notion of tithes being a burden upon the land, and expresses his astonishment, that any man on this side of the House should be weak and absurd enough to suppose, that tithes have really anything to do with the burdens borne by the landed interest. The hon. Gentleman may be a very great authority upon matters of political economy, but I must observe, that there are others, nearly equal to him, perhaps, who have entertained a very different opinion upon this question of tithes and their relation to the land. They wrote, perhaps, in times comparatively barbarous, and their names, perhaps, may not be so eminent as that of the hon. Member; but Adam Smith, for one, expressly declares, that he regards tithes as constituting a burden upon the land. The superior intelligence of the hon. Gentleman may induce him to discard the notion, and to discard it with contempt; but Adam Smith was certainly weak enough to look upon tithes as a burden upon the soil. Adam Smith expresses himself in these words:—

> "Taxes upon the produce of land are, in reality, taxes upon the rent; and, though they may be originally advanced by the farmer, are finally paid by the landlord. When a certain portion of the produce is to be paid away for a tax, the farmer computes, as well as he can, what the value of this portion is, one year with another, likely to amount to; and he makes a proportionable abatement in the rent which he agrees to pay to the landlord. There is no farmer who does not compute beforehand what the church tithe, which is a land-tax of this kind, is, one year with another, likely to amount to."

But the hon. Gentleman says—

> "There has been a commutation of tithes of late years, which alters the whole question, because formerly the amount of tithe was uncertain, and varying from year to year according to the quantity of produce, whereas, it is now comparatively fixed and certain; therefore, whatever the opinion in former times may have been, it is now clear, that tithes no longer constitute a burden upon the land."

It may be so, but Adam Smith differs from the hon. Gentleman upon this point also, for Adam Smith distinctly says:—

> "When, instead either of a certain portion

of the produce of the land, or of the price of a certain portion, a certain sum of money is to be paid in full compensation for all tax or tithe, the tax becomes, in this case, exactly of the same nature with the land-tax of England. It neither rises nor falls with the rent of the land. It neither encourages nor discourages improvement. The tithe in the greater part of those parishes which pay what is called a modus in lieu of all other tithe, is a tax of this kind."

I must say, when in any country you throw the whole burden, or the great part of the burden, of maintaining the Established Church upon the land, if you collect that burden by an uncertain rate, varying with the produce of the soil, it acts, no doubt, as a greater discouragement to agriculture than if it were commuted to a modus or fixed sum. It is clear that the commutation of such an uncertain tax as tithe into a fixed and definite sum, must operate as a great benefit to the land—a great encouragement to the improved cultivation of the soil, and an increased stimulant to the application of capital to the purposes of agriculture. I do not deny that; but I say, that Adam Smith and Mr. Ricardo both of them distinctly declare, that they consider tithes a burden upon the land. There cannot be a question as to what the opinions of those writers were upon the point. Mr. Ricardo says:—

"If the importation price of wheat was 60*s.* a quarter in England, and it was 60*s.* a quarter on the continent, and in consequence of the burden of tithes wheat was raised in England to 70*s.* a quarter, a duty of 10*s.* ought also to be imposed on the importation of foreign corn."

These were the opinions of Mr. Ricardo. They may be entirely wrong, but they certainly differ very much from those of the hon. Gentleman. Don't let the hon. Gentleman suppose, that three or four days will settle this question in committee. I am not now saying, whether it may be proper or not to appoint a committee for the purpose of inquiring into the burdens of the land; but this I may say, that as far as I have had any communication with the landed interest, they have evinced no apprehensions as to the result of such an inquiry as that proposed in the hon. Gentleman's original notice of motion. I confine myself to that original motion, because it is the only one that the hon. Gentleman can properly bring under the notice of the House. The landed interest, as far as I have communicated with them, have not told me, that they thought it essential to their interests, that inquiry into the nature and extent of the peculiar burdens borne by them should be absolutely precluded; but I assure the hon. Gentleman, that such an inquiry would be of rather longer continuance than he appears to think. Coming here himself, and laying down his dicta as an authority upon the subject, he will be met by others who may differ from him, and whose opinions, though opposed to his own, may yet be regarded as worthy of some consideration. I for one am not prepared to be governed by all the conclusions at which the hon. Gentleman has arrived upon this subject. The question "What is the exact amount of the special burden imposed upon the land? is in my estimation an extremely difficult one upon which to form an accurate opinion. It is a question which, according to my view of it, must be determined rather upon general reasoning, than upon the positive dicta of any twelve or fifteen gentlemen who may be formed into a committee to consider of it. Tithe, church-rates, in short pretty nearly the whole of the maintenance of the Established Church, is imposed upon the land. I do not deny, that in towns a very considerable sum is raised towards the support of the church in the form of church-rates; but, upon the whole, I cannot help thinking that the land pays a very full proportion of the amount which is levied generally for the payment of church-rates. That, of course, would be one subject of inquiry before a committee. Another subject of inquiry would be, how the stock and profits of trade were now allowed to escape the payment of poor-rates. Because there can be no doubt that the original policy of the law was, that stock-in-trade and the profits of trade should contribute equally with the land to the support of the poor. It was found so difficult, however, to collect a fair and proper quota of the rate from stock-in-trade and the profits of trade, that you passed, not many months since, an act directly at variance with the original object of the law, relieving trade from this contribution to the poor-rates, and, of course, placing the burden upon the land. I believe that of late years there has been a more equal apportionment of the poor-rate; but if I take the whole of the contribution now made for relief of the poor, I think I shall still find, I do not say in what proportion, but certainly that a very large proportion of it is levied upon the land. I do not think that my hon. Friend meant to insist upon it that the return of 1826 afforded an exact view of the relative proportion in which the different interests of the country contributed to this burden at the present moment. But I will tell you what the relative proportion was in 1826. The proportion levied from the land in that year was 4,523,000*l.*; from dwelling-houses, 1,788,000*l.*; from mills, factories, &c. 255,000*l.* As I said before, I do not quote this as an exact indication of what the proportion is now; but I still think if you refer to the original policy of the act of Elizabeth, you will find that the sum contributed from other sources is proportionately far less than that contributed by the land. Looking to other burdens that bear upon the land, I know that there are many, who contend, and to a certain extent their argument is true, that these burdens are borne not by the land itself, but by the consumer of the produce derived from the land. This argument has been specially applied to the article of barley. The revenue derived from barley, including the malt-tax and the duty upon spirits, may be taken at 10,000,000*l.* a-year. I know that the consumer pays a very large proportion of that amount of taxation; but I know also that in manufactures the doctrine is this: if you have a duty upon any particular article of manufacture you diminish the consumption of that particular article. I am constantly told, (and I am going to act upon the principle in some degree), "reduce the duty upon any article of great consumption, and the consumption of that article will increase." True; and if I were to reduce the duty on barley I should, no doubt, promote the consumption of it; but what I contend is this: if I levy a duty amounting to nearly 10,000,000*l.* a-year upon one particular article of agricultural produce, although it is perfectly true that a considerable proportion of that duty is borne by the consumer, yet it is difficult to estimate what proportion falls upon the consumer and what proportion upon the land. It would be most difficult to determine where the land ceases, and where the consumer begins to pay this tax. I say, then, that I cannot prove to you, as you call upon me to do, what is the exact and precise amount of the special burdens imposed upon the land. It would require a wiser man even than the hon. Member for Sheffield to perform such a duty. Admitting that commerce, to a certain extent, may be injured by the protection given to land, yet if a minister, who sees the justice of continuing that protection, is called upon to state precisely what he conceives to be the particular and special burdens which render such a protection justifiable, he will find himself in a very embarrassing and difficult situation. You say, "If these special burdens exist define them—specify them, let us know what they are." I tell you that that is very difficult, and after all the research of a committee, I believe it would be very difficult still. These are the general impressions under which I speak; but they are distinct considerations from the present question, which is this, shall I postpone indefinitely the Corn Importation Bill until the committee proposed by the hon. Gentleman shall have made its report? Perhaps the hon. Gentleman will say, "I only propose a committee, and if the landed interest, as you say, are not afraid of inquiry, why should that committee be opposed?" It is true, that the hon. Gentleman, in his original notice of motion, pointed only to the appointment of a committee, but in his speech of this evening he talks of that committee as a necessary preliminary to the passing of the Corn Importation Bill; and speaking of the labours of the committee, supposing it to be appointed, he says, "It may be a very tedious business." Foreseeing this, I ask the House to decide upon the question before it as practical men, acquainted with the interests and feelings of the country. I ask what the country would think of me if I were to say to the hon. Gentleman, "I think this is a very reasonable motion." I have been for a long time considering, not this question only, but all the questions which I brought forward the other night, connected with the finance and commerce of the country. I have endeavoured to suggest, with respect to all of them, as fair and practical a settlement as I could. What would the country think of me if I now said "Here is a very plausible motion for inquiry, brought forward by the hon. Member for Sheffield? I will leave the corn-trade, I will leave the landowners—the tenantry, all men who derive their income from the sale of corn or the production of corn in a state of utter uncertainty, and go with the hon. Member for

Sheffield into an inquiry which may possibly terminate some three sessions hence." I leave it to the country to decide whether my objection to the hon. Gentleman's motion is not a reasonable one. To that motion I shall certainly give my decided opposition.

Mr. *Strutt* could not but think that there was one very obvious fallacy in the speech of the right hon. Baronet who had just sat down. The right hon. Baronet said, that tithes were a burden upon the land, and he quoted Adam Smith in support of that view. No doubt, in one sense of the word, they were a burden upon the land, inasmuch as they were payable by the land; but the question the House had to consider, was not whether they were a burden upon the land, but whether they were a burden upon the landowner. The right hon. Baronet must have changed his opinion upon this point within the last few years; for if his previous speeches were to be relied upon, he did not formerly consider the burden of tithe as chargeable upon the land. Neither could he (Mr. Strutt) reconcile the opinions now expressed by the right hon. Baronet with the opinions which he uttered to the House two years ago, when the question of church-rates was under discussion. The right hon. Baronet then contended that the dissenters had no right to complain of the payment of church-rates, because they had purchased their property with the full knowledge that it was subject to such an imposition. Having used that argument against the claims of dissenters in reference to the question of church-rates, he was at a loss to conceive how the right hon. Baronet could now turn round and say that the landowners had a claim to compensation, or protection, in consideration of tithes, poor-rates, and other burdens, which fell heavily and exclusively upon them. If the dissenter bought his property subject to church-rates, did not every man who bought land buy it subject to tithe, or to land-tax, or to poors'-rates? If the dissenter had no claim in respect to church-rates, what claim had the landowner in respect to tithe or land-tax, or poors'-rates? It appeared to him that the hon. Member for Sheffield had made out a *prima facie* case for inquiring into the special burdens borne by the land. Many gentlemen on the opposite side of the House objected to the hon. Member's motion, because it was too definite—too precise. They said, if it embraced a wider field—if it embraced the burdens upon manufactures, the restrictions upon commerce, and a multitude of other matters, they would not object to it. But he appealed to the House whether, if the hon. Member for Sheffield had shaped his motion in that way, precisely the contrary argument would not have been used against him? He would then have been told "your motion is too vague, too general, it would never be brought to a conclusion, it would last over a number of years, therefore it is impossible for us to support it. Would not that have been the language of the right hon. Baronet (Sir R. Peel)? Thinking that a sufficient case had been made out to warrant an inquiry, he should give his hearty support to the motion of the hon. Member for Sheffield.

Mr. *Cobden* thought it would not be difficult to show that the delay which had arisen in the discussion of this question was not owing to the proceedings of that (the Opposition) side of the House. He begged leave to recal to the recollection of the right hon. Baronet his own words in opening the discussion of the corn duties. The right hon. Baronet said on that occasion—"You are entitled to place such a duty on foreign corn as is equivalent to the special burdens which you impose on agriculture, and any additional protection to agriculture can be vindicated only on the ground that it is for the interest of the country in general." Now he (Mr. Cobden) asked the right hon. Baronet, after the speech which he delivered on the 9th of February, to state his views with respect to these burdens, and the answer which he got was, that instead of having a formal and official enumeration of them, it would be more consistent with the forms of the House to state them in the speeches delivered during the debate. They had gone into committee; debate after debate had taken place; the right hon. Baronet had been asked again and again to state what were these special burdens; but he had declined to do so, and he (Mr. Cobden) therefore thought his hon. Friend the Member for Sheffield perfectly justified in adopting his present course. His hon. Friend had given notice of his intention to bring his motion under the consideration of the House on Thursday last. He came down to the House at a quarter to four o'clock, and found between thirty and forty Members on that (the Opposition) side of the House; but the opposite benches were empty; rumours were abroad among the opposition ranks, that there had been "a whip" not to bring hon. Members down to the House, but to keep them away—in vulgar parlance, the measure was to be "burked." Hon. Members renowned for their punctual attendance at the devotions of the House were absent—even the hon. Baronet the Member for the University of Oxford was not in time for prayers. It semed that they were not to be permitted to discuss the question. He could not understand why the right hon. Baronet refused to entertain it to-night. They were told that the law must be passed, because the corn-dealers were anxious that it should come into operation. He could only say, that, as far as his constituents were concerned, no such anxiety existed. He had in his pocket a resolution agreed to at a public meeting, in the open air, with the Mayor in the chair, to make every opposition to the measure of the right hon. Baronet consistent with the forms of the House. He knew that his hon. Friend the Member for Manchester had received a similar request. It was not his intention to comply with that request, for he did not mean to offer any factious opposition, but, at the same time, if he was to be forbidden by the right hon. Baronet, in a speech partaking strongly of the character of a lecture, from further discussion of this question, because a majority had decided upon the second reading of the bill, he would take leave to tell the right hon. Baronet, that he did not come there to bow to the will of that majority without endeavouring to make them listen to reason; nor would he, until the measure became law, cease to urge every argument which could be found against it. Notwithstanding the refusal of hon. Members opposite to meet them on the question, it would be their object to show, not only that the landowners sustained no special burdens which entitled them to tax the rest of the community; but that, on the contrary, it was the opinion of the whole civilised world that they had been employing themselves as legislators in placing the burdens on others for the purpose of exempting themselves. He could read them the opinions of Frenchmen and Americans, who could have no interest one way or the other. [*Cries of "Oh, oh"*]. Why, an hon. Member on the other side had read a long series of Presidents' messages the other evening, and there were no "oh, oh's" then. With respect to the four or five burdens which had been spoken of, every one knew that they were liable to them by the common law of the land which had been in existence for centuries and centuries. Hon. Gentlemen claimed exemptions on account of maintaining the public roads and paying the poor-rates. Why the land had borne those burdens before Corn-laws were thought of. The only tax which was a real burden on land was the land-tax, an example of legislative fraud scarcely surpassed by the Corn-laws. An hon. Member had alluded to the fact that, in despotic countries, taxation fell chiefly on land. It certainly was only when the power of the state had fallen into the hands of a landed oligarchy that the people were taxed in order to exempt the landowners. At the time of the conquest, and for the succeeding 150 years, the proportion of tax contributed by the land amounted to nineteen-twentieths of the whole revenue of the kingdom. From that period down to the reign of Richard the 3rd, the proportion contributed by the land was nine-tenths; thence, to the time of Mary, it was three-fourths; to the end of the Commonwealth it was one-half; to the time of Anne one-fourth; in the time of George 1st one-fifth; of George 2nd one-sixth; for the first thirty years of George 3rd one-seventh; from 1793 to 1816 one-ninth; and from that time to the present only one-twenty-fifth. The land-tax was a fraudulent evasion, for it was in reality a substitution for feudal tenure. The land was formerly held by right of feudal services. The hon. Gentleman quoted a passage from Blackstone, describing the commutation of feudal services into a land-tax of 4*s.* in the pound on the real rental. Now could any one suppose that land would always remain at the valuation of 1692? And yet it was upon that valuation that the land-tax was charged. Was there, he would ask, anything analogous to this in any other part of our system of taxation? Take the case of the assessed taxes; there the collector went round every year, and diligently noted any increase in the number of windows, in the number of carriages, and other articles subject to assessment. So strict had been the practice in this respect, that they had lately refused to allow any compositions for three years. How stood the case with the lords of manors? Lingard justly accused the landowners of refusing to extend the benefits which they had derived from the commutation of feudal services to their tenants. Did they suppose that the advantages derived by Sir Oswald Moseley, as lord of the manor of Manchester, which were now worth 150,000*l.*, were the same as those enjoyed by other lords of that manor years back? The hon. Member alluded to the inequalities of the land-tax as shewn by the different assessments paid by several counties and towns, taking the valuation for the Property-tax of 1816, as the standard in all cases. Middlesex paid 10*d.* in the pound, Lancashire only 1½*d.*, Yorkshire 4½*d.*, Buckinghamshire 1*s.* 2*d.*, Rutlandshire 10*d.*, Staffordshire 8*d.*, Hertfordshire 11*d.*, the county of Norfolk 2¾*d.*, Sussex 1*s.* 2*d.*, Westmoreland 1*s.* 2*d.*, Bedford as much as 1*s.* 2½*d.*, and Cumberland, being the lowest, only 1¼*d.* In Marylebone the tax was 1*s.* 6*d.*, while in Liverpool it did not amount to a tenth of a penny. In Oxford it was 1*s.*, in Bath 1½*d.*, and in Winchester 3½*d.* The reason of this difference was obvious. In some counties towns had grown up, but was this any reason why they should be exempted from paying their fair proportion of a tax to the State? Why should the consumer be called on to pay an increase of taxation, and rental alone to be exempted? Adam Smith said, that the subjects of every state were bound to contribute in proportion to their ability, and the land-tax of England was a violation of this great principle. This subject had been already before the House, and the inequalities of the tax and the expense of collecting it were fully shown in the evidence of Mr. John Wood, of the Board of Stamps, examined by the committee which sat on the state of agriculture in 1836. In order that there might be a proper adjustment of the tax, it was the opinion of that gentleman that the assessment ought to be made annually. Though this subject might not be discussed in the House, hon. Gentlemen might rest assured that it would be eagerly taken up out of doors. They were on the eve of a new taxation. The budget of Friday night would at least have the effect of calling the middle classes back to their political duties. It would be discussed among the shopkeepers, whose profits it was proposed to assess, and the House might depend upon it that they would very soon become a little inquisitorial as to the progress of rentals. Hon. Gentlemen opposite, who relied so much on their majority, hardly gave sufficient credit to the power conferred by the Reform-bill on the middle classes; they had never yet tested them, because they had never yet applied to their pockets. Depend on it, they would resist to their utmost this attempt to tax their profits for the sake of upholding these monopolies. If the right hon. Baronet had come down with a proposal for a property tax, for the sake of relieving the working classes, he would have gone with the right hon. Baronet to the utmost extent. When, however, the right hon. Baronet came down and told them that the means of the working classes were exhausted—that they had taken from them their last farthing—and, when instead of proposing some plan for their relief, the right hon. Baronet told them he meant to apply the screw to the middle class, would they not say, "We will inquire why it is we are taxed;" and would they not be justified in doing so, when they found the monopoly of bread, and its kindred monopoly of sugar, remaining intact? In the instance of these monopolies they would see the cause of this additional taxation. The right hon. Baronet opposite said, that his proposed alteration of the Corn-law would better trade, and ameliorate the condition of the working classes; but he never heard any one of the hon. Gentlemen opposite contend that the new was anything but a very little better than the old sliding scale; it was not quite so bad as the old one. But was that making the law consistent with justice? The fact of hon. Gentlemen opposite advocating the proposed alteration in the Corn-laws was a suspicious feature in the case. All the complaints of obstructing the measure came from the other side, while, if the measure was really a beneficial alteration of the Corn-law, the advocates of it ought to be found on that (the Opposition) side of the House. There was nothing in the measure of Government to reconcile him to it. He could tell the right hon. Baronet that, as far as he knew the feelings of the manufacturing classes, they did not regard the alteration of the Corn-law as at all calculated to restore prosperity, nor would it have this effect until corn was put, as a mercantile article, into the hands of the merchants generally, and not given up exclusieely to the corn dealers.

Lord *Worsley* said, that when the hon. Member for Sheffield gave notice of his motion he imagined that his object in moving for a committee was to inquire into the special burdens of the landed interest, and if any should be found from which the agriculturists were exempted, that there should be an adjustment of taxation. It appeared now that the hon. Member had put forward his motion as an obstacle to the measure of the Government on the subject of the Corn-laws; and although no one in that House had opposed the measure more than he had done, still he did not think it fair, after having decided on the principle of the bill, to offer any opposition to its progress. He had been informed (for he was not in the House at the time) that the hon. Member for Sheffield had again altered his motion, and it now had assumed the shape of those motions which the hon. Member for Wolverhampton used to bring forward on the subject of the Corn-law with the object of obtaining its repeal. He could not, therefore, support the motion. Had it been for a committee to inquire into the special burdens of the agriculturists, with a view to equalise taxation throughout the country, he would not, as he was connected with the agricultural interest, have objected to the motion; but, viewing it as brought forward avowedly for the purpose of obstructing the alteration of the Corn-law, he could not give it his support.

Mr. *Villiers* said, that he did not believe, as the noble Lord supposed, that the hon. Member for Sheffield proposed his measure for any purpose but the one he had avowed, though he (Mr. Villiers) was obliged to doubt whether the noble Lord could say, that he opposed the motion merely upon the ground he assigned. He could not but think that he opposed it for the reason that it was opposed by Gentlemen on the other side, namely, that they were afraid of inquiry; that they had a just idea of what the result of inquiry would be, and as upholders of the Corn-law, they wished the thing to remain in doubt. He could assure the noble Lord, that he should not vote for the motion for his own information, for he did not consider that such a law as a Corn-law ought to depend on any burdens being shown to attach to land for local purposes, for if there were such, and they prejudiced the land, they ought to be differently distributed; but he should support it, simply because, after listening to arguments and allegations on behalf of Corn-laws for four years past, there was nothing that he had ever heard so frequently repeated by Speaker after Speaker, night after night, by men who were for a fixed duty and by men who were for a scale, as that there were certain peculiar burdens bearing upon the land which gave the landowners this peculiar right of taxing the food of the community. Considering, then, the great importance of the present moment, on the eve, as they were, of fresh taxation, he thought that every obstacle and every pretext should by every means be removed for relieving the people from needless taxation; and he thought that the inquiry would show that these burdens offered no ground for the Corn-laws. He was not going to argue the question any further, after the able manner in which it had been discussed by his hon. Friends—after hon. Gentlemen opposite had refused to offer any reply, and after the right hon. Baronet had refused to grant the Committee. Indeed, his hon. Friend, the Member for Sheffield, had exhausted the subject in bringing it forward; for he had stated all the burdens that were alleged to be borne by the land—had made the nature of them clear to the House, and shown the futility of the argument which sought to justify the Corn-law on such ground: but, as he believed his hon. Friend had included in the purpose of his inquiry the exemptions of the land from taxes borne by the rest of the community, he would just state them to the House distinctly, that the country might judge of the justice of the plea of these peculiar burdens, and motives for refusing the inquiry; the exemptions were upon the following articles:—Horses, servants, carriages and carts, dogs, houses, and windows, fire insurance, and he would read the produce of those taxes during the years when they were repealed. In 1816, 281,695*l.*; 1819, 3,868*l.*; 1822, husbandry, horses alone, 470,108*l.*; 1823, 52,792*l.*; 1824, 6,876*l.*; 1825, 49,659*l.*; 1832, 8,710*l.*; 1833, 10,110*l.*; 1834, 52,000*l.*; 1835, 50,000*l.*; total, 985,824*l.*; and in 1836, a sum equal to 60,000*l.* a-year, chargeable to the county-rate to which they were liable, was cast upon the consolidated fund. Now, of course, when so much was taken from the general contribution to the revenue, either the rest of the community had more to bear, or they were not equally favoured by a reduction of duty; and most surely it did not show that there was any ground for a tax like that of the Corn-law upon the community. He held also in his hand the amount of agricultural property which had been insured since the remission of the stamp duty on insurance, and the amount of duty received upon the personal property that had been insured. The amount of farming stock insured was 51,977,751*l.*, upon which no duty has been levied. The duty collected upon other property insured, was 975,610. He would only detain the House for one minute more in referring to one of the burdens which were alleged to press upon the land peculiarly, in order that they might see the justice and the character of the indemnity which the Corn-law afforded for it—he meant the poor-rate. He would just show by the case of Marylebone, that this very burden was regularly aggravated by the effect of the Corn-law, which made food dear. It was the amount of the rates in that parish, and the price of wheat since 1832, showing that as wheat rose so did the rates, and the contrary.

Years.	Rate per £.	Amount of Rates.	Average Rate on each House.	Average number of Poor relieved.	The Cost of flour	The cost of butchers Meat.	The *Gazette* average price of Wheat.
	s. d.	£	l. s. d.		£	£	s. d.
1831	4 1	91,144	7 16 11	..	..	..	66 4
1832	4 4	97,672	8 8 3	..	..	..	58 8
1833	3 11	93,834	8 1 8	..	..	..	52 1
1834	2 11	57,259	5 15 10	5,027	1,672	2,455	46 2
1835	2 3	53,487	4 12 1	3,458	1,540	2,216	39 4
1836	1 11	44,573	3 16 9	3,222	1,827	2,837	48 6
1837	2 4	59,806	5 3 0	3,254	2,865	3,171	55 10
1838	2 6	61,091	5 5 0	3,385	3,392	3,185	64 7
1839	2 9	63,221	5 8 11	3,758	4,295	3,637	70 8
1840	3 3	76,355	6 11 6	4,100	4,605	4,120	66 4

What happened in one town, of course happened in another in this respect, and he thought it would be difficult to persuade the people of Marylebone of the justice of a Corn-law. He might state as a proof of the absurdity of saying that the poor-rate was a peculiar burden upon land, that the amount of rate paid in London was greater than that paid in all Yorkshire. He thought that the present was a time peculiarly fitted for such an inquiry as that proposed by his hon. Friend, the Member for Sheffield. Now that they were about to impose a new tax upon the nation, it became them in every way to inquire into the burdens of the people, with a view, if possible, to their mitigation. He did not think any decision which the House had come to on the subject of the Corn-law itself, could equal in injustice a refusal to grant the inquiry now moved for.

Viscount *Howick* before the House proceeded to a division upon the motion under their consideration, wished to say a few words upon the subject. He entirely agreed with the hon. Member for Sheffield, that it was a point of very great importance to determine what were the exclusive burdens borne by land, since so much stress had been laid upon it during the various debates with respect to the Corn-laws. He was also willing to admit that it was a very fair topic for parliamentary inquiry; although he thought there might be some doubt as to whether a parliamentary committee would be a body which could satisfactorily institute the proposed inquiry. But still he was willing to assume that point; he was willing to suppose that a committee could sift the question, and present a satisfactory report to the House with regard to it. But even making these two concessions to the hon. Member for Sheffield, he confessed he could not satisfy himself of the propriety of supporting his motion. He was bound to admit the force of the arguments which the right hon. Baronet had urged against the time and manner in which the motion was brought forward. He thought that not only the Government, but that the public had a very great interest in preventing those days set apart for the transaction of public business by the Government from being interfered with by the interposition of motions, which, according to the forms of the House, ought to be discussed on those days assigned for the motions of individual Members. He thought, that would be a very great public inconvenience, because it was well known that by the practice of that House only two days in the week were set apart for the transaction of that vast amount of public business which it was the duty of her Majesty's Government to bring under their notice. They well knew the extreme difficulty which every Government experienced, whether it were composed of hon. Gentlemen on that side of the House or the other, in obtaining the necessary time for the proper discussion of measures deeply affecting the public interest. They knew perfectly well that by delaying and obstructing the discussion of those motions, they necessarily limited the number of useful and important measures which it was in the power of the Government to bring forward. As the Member of a former

Administration, he had himself frequent occasion to feel the extreme injustice of having complaints made against them, of neglecting many important subjects while, at the same time, the days required for the discussion of those subjects were taken from them by the interposition of other motions. He had a very strong opinion upon that point. It was not for the interest of the public—he said nothing of the interest of Government — that motions should be made which would tend to interfere with the regular progress of parliamentary business, except in cases of some great and special emergency. Now he could not imagine that such an emergency existed in the present instance. He really did not understand the ground upon which they were called on to adopt the motion in the manner in which it had been brought forward. The hon. Member for Sheffield said, he had given notice of his motion for Thursday, but on that day there was no House. Now he did not think that the hon. Member could urge that as a ground of complaint against the Government. It was a usual practice with Members upon all sides to absent themselves when notice was given of any motion they did not like to have discussed. No doubt there were more than forty Members who took an interest in the motion of the hon. Member for Sheffield; but if they did not come and form a House they had none but themselves to blame. He agreed with the hon. Member that the subject was one deserving of serious consideration; but was it, therefore, necessary that they should immediately and at once accede to his motion? He did not think it was. The change which the hon. Gentleman himself had introduced into his motion proved, as the right hon. Baronet had justly observed, that he had himself abandoned as untenable the position that the further consideration of the Corn-bill should be postponed until the report of the committee, for which he moved, had been presented to the House. But if the course of legislation upon the Corn-laws, was not to be interrupted by the motion of the hon. Gentleman, then it followed that the present was not one of those cases of emergency, on which it was desirable that such a motion as that of the hon. Member should be brought forward in this particular shape, preventing the further consideration of a measure which the House and the country must desire to see settled in one way or the other. Those were the reasons which would now induce him to give his vote against the motion of the hon. Member, although, if it had been brought forward on Thursday last, it was his intention to have supported it. He could not, for the purpose of acting with those hon. Gentlemen, with whom he usually acted, lend his sanction to a practice which, upon public grounds, and with a view to the permanent interests of the country, he considered extremely prejudicial. He agreed with the hon. Gentleman in disapproving of the Corn-law introduced by the Government; and, in desiring to see the time when sounder and wiser views would be generally entertained upon the subject, he firmly agreed with him in those views and wishes; but he firmly believed, that the course which the hon. Gentleman was now taking was not calculated to promote the object he had in view. He did not believe, that a motion of this kind was calculated to conciliate the opinion of dispassionate people out of doors. He did not believe that that was the manner in which they would be most likely to make a favourable impression upon public opinion, or to obtain that support from the country at large, by which alone the principles of the hon. Member for Sheffield, and of those who thought with him, could be carried into effect.

Mr. *Wakley* would trouble the House with a very few words on what had fallen on the subject from the right hon. Baronet opposite, and from the noble Viscount who had just sat down. He confessed he was not pleased with the doctrine laid down with respect to motions of this description. It was one which he held to be pregnant with danger to various ancient practices, as well as to the spirit of the constitution. The noble Viscount the Member for Sunderland said, speaking as having been a minister, that he had often felt his progress impeded by motions of this kind. So much the better! Very glad he (Mr. Wakley) was to hear it, and he thought it would have been more for the good of the country if the noble Viscount and his brother Ministers had been still more completely obstructed by them. This motion had, it seemed, been some little obstruction to the right hon. Baronet. He was very glad of that too, for facts had been elicited in the course of this discussion which would spread over the country, and that knowledge would be beneficial to the public at a future time, if it could not be made use of now. The right hon. Baronet opposite had reminded them last Session of the dictum of Mr. Tierney, who had said, that "the duty of an Opposition was to oppose every thing and propose nothing." That was a Whig's notion of the duties of an Opposition; but the noble Viscount who had just sat down, although a Whig, had, nevertheless, repudiated that doctrine of Mr. Tierney: and it appeared that they were now to have some new doctrine. But what were they who opposed a Government proposition to do? If they objected to them, must they remain silent and allow them to be passed, and the public to be oppressed and persecuted? That was quite a new course for that House, and one to which he (Mr. Wakley) could not subscribe. He thought, on the contrary, that when a bill was considered bad and objectionable in that House, it ought to be publicly and perseveringly opposed; and even after it should have been decided to be the law of the land, still he thought that a manly, open, and consistent condemnation of it might fairly and legitimately be pronounced. He agreed with the right hon. Gentleman, that the course pursued by the hon. Member was objectionable. He thought the motion intended to be made should have been fairly put upon the paper, and not another species of notice. The hon. Member was not in the habit of pursuing such a course, certainly, but the assumption was, that finding that the motion as originally worded would not be exactly suited to the object, he had found it expedient to alter it. He must say he did not think that a division upon the question as it now stood would be very expedient. He wanted to see a compromise. He wanted to hear the right hon. Baronet say, "I will give you a committee another time, but don't divide the House now." For his hon. Friend would be sure to be beaten by a very large majority, and they would not be able then to get what they wanted—an account of the special burdens bearing on land. No doubt the landed proprietors of the country were not now in the state of luxury and independence in which they had been. These were not the times when, as the hon. Member described them, "Darby and Joan rode side by side on one horse together from the West of England to the metropolis." No; the landed proprietors for the last forty years had been calling upon the people to make sacrifices. The people had made those sacrifices. The people had been in a condition, from time to time, of great privation and misery. He would like to know what sacrifices the landed proprietors had made in return at the time of these emergencies? While their luxuries had not been touched, the poor had not had the common necessaries of life, and he, as a humane man, inclined to reflect upon the possible condition of the lower classes of his countrymen, maintained that they were bound to take a fair view of the real condition of the country, and not impose those taxes which could the least easily be borne; and every one must see that the operation of the Income-tax would be to lay new burdens upon the industry of the country, while the wealth of the country would go scot free. But as the only effect of the hon. Member for Sheffield going to a division would be that he would be defeated and the inquiry suppressed, he did hope the hon. Member would ask permission to withdraw his motion.

Mr. *T. Duncombe* begged to say a few words on the noble Viscount the Member for Sunderland's declaration, viz., that had this motion been brought on on Thursday last, he would have voted for it; but as it had been brought on on the following Monday, he should vote against it. Now, he did not exactly see the bearing of this distinction, nor could he say what the constituency of Sunderland would say to their representative disapproving on the Monday of the proposition for which he would have voted on the previous Thursday. But he would leave the noble Viscount and his constituents to settle that matter together. Another question altogether had arisen, however, out of the discussion. He wished to know, after all that he had heard from the noble Viscount and from the right hon. Baronet, who was really responsible for "making a House?" His hon. Friend the Member for Sheffield seemed to have suffered on this occasion by the difficulty that existed, the consequence of which had been that there had been no House on Thursday. He (Mr. Duncombe) was one of those Gentlemen who had come down to the House on that day in the full expectation that he should have witnessed the landed interest groaning and borne down as they were under the burdens which pressed upon them, flocking down to the House to assist his hon. Friend the Member for Sheffield in his inquiry, but not a single one of those hon. Gentlemen was present on the occasion. He remembered that when a discussion like the present upon the subject of who was responsible for making a House occurred in Mr. Canning's time, that right hon. Gentleman said, that it was always considered the duty of the Government to make a House. Now, the noble Viscount the Member for Sunderland complained that there should be any motions of this sort interrupting a Government measure on a Government night. But, surely, if that were a well founded objection, the Government ought on motion nights to give every facility for the bringing forward such motions; and certainly it was not fair for noble Lords and hon. Members who made use of this argument to refuse to vote for such motions as this, although they admitted that they supported them, availing themselves of the "whipping out" on the other side of the House on a motion night. Mr. Canning had also said that he considered the most important duties of a certain class of Gentlemen connected with the Government, such as Lords of the Treasury, Under Secretaries of State and of the Board of Control, and Gentlemen of that genus, were divided into three parts. Their first duty was to make a House; their second was to keep a House; and their third was to cheer the Minister. The right hon. Baronet opposite, he was sure, would feel that it was a very delicate matter for him to hint to those hon. Gentlemen what their precise duties were in this respect, and therefore the right hon. Baronet would no doubt be very much indebted to him for thus recording them. But at the same time he really thought that there ought to be some understanding on whom rested the responsibility of making a House, so that hon. Gentlemen who were independent Members, and had motions to make, should not be defeated in their object, and then afterwards be told by those on whose support perhaps they counted, "Oh, your motion is a very good one, I admit; but as you have brought it on on a Government night I must vote against you." He had intended to vote for the hon. Member for Sheffield on Thursday, and not being like the noble Viscount the Member for Sunderland, he should do so now although it was Monday.

The House divided on the question that the words proposed to be left out stand part of the question.—Ayes 230; Noes 115; Majority 115.

List of the AYES.

Acland, T. D.
Ackers, J.
Acton, Col.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Archdall, M.
Arkwright, G.
Baillie, Col.
Baird, W.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Bentinck, Lord G.
Bernard Visct.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burroughes, H. N.
Campbell, A.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn.Sir G.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Visct.
Cresswell, B.
Cripps, W.
Crosse, T. B.
Curteis, H. B.
Darby, G.
Dawnay, hon. W. H.
Dick, Q.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Duncombe, hon. A.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Fellowes, E.
Fitzroy, Capt.
Fleming J. W.
Follett, Sir W. W.
Ffolliott, J.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Gregory, W. H.
Grimsditch, T.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Hayes, Sir E.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Sir R.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Howick, Visct.
James, Sir W. C.
Johnson, W. G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.

Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lawson, A.
Leicester, Earl of
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martyn, C. W.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Miles, P. W. S.
Miles, W.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Pollock, Sir F.
Power, J.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reade, W. M.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smyth, Sir. H.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Stewart, J.
Stock, Mr. Sergeant
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Tollemache, J.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vane, Lord H.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, H. S.
Welby, G. E.
Whitmore, T. C.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Barclay, D.
Baring, rt. hon. F. T.
Barnard, E. G.
Bell, J.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blewitt, R. J.
Bowes, J.
Bowring, Dr.
Brocklehurst, J.
Brotherton, J.
Buller, E.
Busfeild, W.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Clive, E. B.
Cobden, R.
Colebrook, Sir T. E.
Crawford, W. S.
Currie, R.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
D'Eyncourt, right hon. C. T.
Duncan, G.
Duncombe, T.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Forster, M.
Fox, C. R.
Gill, T.
Gordon, Lord F.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Harford, S.
Harris, J. Q.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Holdsworth, J.
Horsman, E.
Humphery, Mr. Ald.
Hutt, W.
Jardine, W.
Johnson, General
Johnstone, A.
Labouchere, rt. hon. H.
Langston, J. H.
Larpent, Sir G. de H.
Layard, Capt.
Mangles, R. D.
Mitcalfe, H.
Morison, General
Mostyn, hon. E. M. L.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
O'Ferrall, R. M.
Ogle, S.
Palmerston, Visct.
Parker, J.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. J. G.
Protheroe, E.
Rawdon, Col.
Rice, E. R.
Ricardo, J. L.
Rumbold, C. E.
Russell, Lord J.
Scholefield, J.
Scott, R.
Scrope, G. P.
Smith, B.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Stewart, P. M.
Stuart, Lord J.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, John
Turner, E.
Villiers, hon. C. P.
Vivian, hon Capt.
Wakley, T.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wilson, M.
Winnington, Sir T. E.
Wood, B.
Wood, C.
Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.

Ward, H.
Gibson, T. M.

House in committee.

On the second clause being proposed, enacting that corn may be imported from foreign countries,

Sir *V. Blake* rose to move (in consideration of the increasing and unexampled depression of trade, and the destitution consequent thereon, which now unhappily prevails throughout the entire of the manufacturing districts) the insertion of words to suspend the payment of all the specified duties till from and after the 1st day of April, 1843. He felt disposed to attribute the distress which prevailed throughout the country in some degree to the noble Lord the Member for London, who had lost while in power not only one, but several opportunities of alleviating that distress, by the introduction of useful and popular measures. He was greatly disappointed with the noble Lord, who, by his neglect of those opportunities, had handed over thousands of his fellow-subjects to the tender mercies of the right hon. Baronet opposite, who had only to shake his ambrosial locks to carry what measures he pleased. He was induced to make the present proposition to the House, because he felt convinced that we had the materials of inexhaustible production within ourselves; and that, if properly developed, we need not, after a short lapse of time, have recourse to foreign countries for assistance. He wished by his motion to afford immediate relief to the distressed portion of the population, but eventually he thought the same object might be effected by rendering the land six-fold more productive than it was at present. He was convinced that there were sufficient resources in the country to feed its population. One of these resources he would suggest might be found in the cultivation of the growth of flour—he meant potatoe flour. The soil of Ireland was particularly adapted to the produce of that excellent root. So also was its atmosphere. The quick succession of sunshine and showers, added to the natural fertility of Ireland, produced in that country a most prolific species of potatoe. It was known even to have a prolific tendency. He would not ask the House to depend solely upon his authority with reference to the excellent qualities of the potatoe, but would quote that of the *British Cyclopædia.* The hon. Member read an extract from that work upon the subject, and concluded by moving, that instead of from and after "the passing of this act," these words ahould be inserted, from and after "the 1st of April, 1843."

The motion was, however, not persevered in.

Mr. *Parker* rose to propose a clause which he believed would have the effect of correcting one of the great objections of the sliding-scale. The hon. Member was understood to contend that the sliding-scale in its present form, rendered regular trade with distant ports almost impossible. The trade thus became of a very speculative character, and it precluded any trader from carrying on a regular system of commerce with those countries. The object of his clause was to place the United States of America on the same footing with other countries nearer home. That an advantage was offered to these latter countries was evident from an extract of a letter from Hamburgh, which appeared a short time since in a journal favourable to the interests of the right hon. Baronet. That article spoke of the advantages which the proposed measure would afford to Germany and the countries on the Baltic, and congratulated the former country on the fact that the result would be more favourable to it than to the United States. With respect to the clause of which he had given notice, he was not much enamoured of it, and he would be happy if his object could be effected by any other means. There was some difference of opinion with respect to the distance of the voyage to America, but he was convinced, on the authority of a gallant commodore, who had shown himself conversant with the question, that the out and home voyage, including loading and unloading, would consume sixty-five days, and allowing fifteen days more for New Orleans, it would make altogether eighty days. The time occupied, he might also observe, in sending a vessel to Odessa, freighting her and the voyage back, was not less than four months, and he could not include Odessa unless he extended the period in his clause to that time. He therefore moved—

"That it shall be lawful for any person, on payment of the duty on any quantity of foreign corn, or on giving bond for the payment of the same, at the rate of duty then ruling, or on giving bond for the payment of such duty at the rate which shall be ruling on the day of clearing out such corn from any foreign port, to enter the aforesaid quantity of corn, or any part thereof, for home consumption, although not actually in bond, provided it be imported within a limited number of days from the time of such entry."

Sir *R. Peel* said, the hon. Gentleman himself seemed to admit that the clause was obscure, and that he was not himself very much enamoured of it. The purport of the clause, as he apprehended it, was, if the duty were down to 1*s*., any individual might give a bond for the payment of that duty, and thus be enabled to speculate to an unlimited amount. For instance, at the shilling duty a person might give a bond for 20,000*s*., thus enabling him to introduce 20,000 quarters of wheat, and allowing him four months' time to conduct his speculation. Such a proposition was very extravagant, and would offer a great discouragement to the bonding of corn, as nobody would place corn in bond when he could have four months for conducting such speculations, which would be abandoned in the event of a failure. The proposition was somewhat similar to one proposed by the hon. Member for Paisley. It was to be wished from these specimens, that those hon. Members would devise a corn bill of their own, and they then perhaps would perceive the difficulties by which the question was surrounded. The present proposition would be attended with no advantage, whilst, on the contrary, it would tend to introduce a new element of fraud, and he could not agree to a proposition which was adverse to the general character of the bill.

Viscount *Howick* said, he should support the clause. The object of it was to break up a monopoly of corn, to allow some advantage to distant countries, and thereby to lower the price to the consumer. It was true there were some difficulties, but it was because the bill of the right hon. Baronet was not founded on some more reasonable, simple, and intelligible principle, and therefore the hon. Member for Sheffield could not cut deeply enough. The taunt with respect to the difficulty came with a bad grace from the right hon. Baronet, for the more his own bill was looked at, the more contrary it was found to every principle which should govern commercial legislation. It was a principle which the right hon. Baronet did not attempt to apply generally, for though he proposed a sliding scale for corn, he did not make a similar proposal with respect to income.

Mr. *Hastie* denied that one of the causes to which on a former occasion the right hon. Baronet had attributed the commercial distress could have operated to any great extent. According to the right hon. Baronet, our imports to America, which in 1839 were 8,000,000*l.*, had, in 1840, fallen to 5,000,000*l.*, and in 1841 the defalcation continued the same. Now taking the whole amount of imports at 52,000,000*l.*, it was an absurdity to say that a falling off of 6 per cent. was one of the great causes of the distress of the country.

Mr. *Parker* would not divide the House on the clause, but he hoped something would be done to enable us to carry on a reciprocal trade with America. He thought, however, that the right hon. Baronet might have been more courteous in his observations on the clause.

Sir *R. Peel* said, if there was any apparent want of courtesy, what he had said referred merely to the clause before the House, and not to the hon. Gentleman who had brought it forward.

Clause withdrawn.

Mr. *P. Scrope* moved the following addition to the clause:—

"That foreign corn entered for consumption from ship be admitted on the request of the importer, at the duties ruling on the day on which such ship cleared out from the port whence the corn was exported."

A time, he said, might come, when there would be a scarcity of corn and no supply could be obtained from the Baltic. If the clause as proposed by the right hon. Baronet remained without alteration, it would be impossible to procure any from America. If the right hon. Baronet wished to encourage trade with the United States, he ought to give some facilities for that purpose.

Sir *R. Peel* said, he would not object to the clause, if he were convinced of its utility; but it would act as a positive discouragement to warehousing in this country.

Mr. *Hawes* said, it was a disadvantage incident to all sliding scales, that under them you could not import corn from the more distant grain countries; but the right hon. Baronet seemed determined so to construct his scale as to let in the minimum quantity of corn. The clause would introduce greater certainty into the trade, but it seemed the object of Gentlemen opposite to encourage excessive speculation by all means.

Mr. *S. Wortley* did not approve of the proposition of the hon. Member for Stroud. He thought it would only introduce the new element of uncertainty into the calculations of the trader, and on that ground it was extremely objectionable.

Mr. *C. W. Howard* believed that if the bill had been framed with a due regard to the interests of their trade with the United States, that it would be met in the same spirit by the Americans, and that they would be willing to extend their trade with this country. It would appear, however, as if the object of the right hon. Baronet was that they should have no trade with America.

Mr. *P. Scrope*, would not divide the committee, but he hoped the right hon. Baronet would still give his attention to the point.

Amendment withdrawn, original clause agreed to.

On clause 5 being proposed,

Mr. *Labouchere* wished to call the attention of the Vice President of the Board of Trade to the clause which was copied, word for word, from the existing law. On the other evening the right hon. Gentleman had stated that a great portion of the Canadian flour imported into this country was the produce of American wheat. He had considered that the wording of this clause was sufficient to prevent any such surreptitious introduction, but on inquiry he found that such was not the case, and, therefore, he would suggest the propriety of amending the clause in such a manner as to remedy the abuse complained of.

Mr. *Gladstone* agreed that the words of the clause appeared sufficiently stringent to prevent the introduction of American wheat under the guise of Canadian flour, but according to another of the Customs Acts, manufactured goods were always taken to be the produce of the country in which they were manufactured, and under that clause the flour had been introduced as Canadian flour. If it should be thought advisable to introduce words, enacting that no flour should be considered as colonial flour that was not manufactured from wheat grown in the colony, they might be introduced into this clause.

Mr. *Labouchere* thought it would be by no means desirable to re-enact a clause which had already proved inoperative.

Mr. *S. O'Brien* wished to ask the Secretary for the Colonies, or the right hon. Gentleman at the head of the Government if there would be any objection to permit colonial corn to be imported duty free, or at a nominal rate of duty, provided the colonial legislatures would place a duty on foreign corn imported into the colony, equal in amount to the protection given to home-grown corn?

No answer was given to the question,—clause agreed to.

On clause 8,

Captain *Pechell* proposed the following amendments:

"That every vessel importing foreign corn, and which shall export British manufactured goods, shall, upon proof of such exportation, be entitled to a drawback of such part of the duty which was payable upon such corn at the time of its entering into port as hereinafter mentioned—that is to say, if the value of the goods so exported shall, according to the fair market price thereof, be equal to or exceed the value of the corn so imported, according to the average price of corn at the time of its entering into port, a drawback of per cent. on the amount of such duty; and if the value of the goods so exported shall be less than the value of the corn so imported, then the same proportion of duty in respect of the value of the goods so exported as the whole value of the corn imported shall bear to the whole duty payable on the importation as aforesaid."

Sir *R. Peel* said, it seemed to him that the only result of the amendment would be to give a preference to foreign shipping. He thought it would be far better that the trade should be carried on according to the interest of those engaged in it, than by offering any inducements to any particular classes. If the hon. Gentleman desired to cure the sliding-scale, surely he might devise some better method than by giving a preference on account of the character of the cargo.

Captain *Pechell* would not press the amendment.

Clause agreed to.

On the 9th clause being put,

Mr. *Brotherton* said, he really must now object to the House sitting any longer. It was nearly half-past twelve, an hour at which it was clear that such a measure as this could not be conveniently or properly discussed. He should move that the chairman report progress, and ask leave to sit again.

An hon. *Member* on the Ministerial side objected to the interruption of the debate. When the Whigs were in office, the hon. Member for Salford could go up stairs, or be asleep when the clock struck twelve, but now he found it convenient to obstruct the legislation of the country. He hoped the House would go on.

Mr. *Brotherton* indignantly denied, that he was actuated by factious motives. He was present in his place as frequently as any hon. Member, and, so far from offering any factious opposition to any Government, he had always been steady and consistent in his motion for adjournment after a certain hour of the night. It was quite impossible that the House could go on with the discussion of the next clause. It involved a great principle, and could not be disposed of in an empty House, at an hour unfitted for discussion. He should certainly press his motion.

Sir *R. Peel* said, it was certainly true they had arrived at a point of the proceedings where a debate was likely to occur. He regretted, however, that they could not proceed, as he was most anxious to get this measure through Parliament. He would give notice that he should take every opportunity of pressing this measure on the attention of the House. On Friday, of course, he should proceed with the question of the income-tax, but on every other night he should take advantage of all the opportunities open to him of pressing the consideration of this measure. Of course he should not object to or impede any discussion upon it, but he should expect hon. Gentlemen who took an interest in the question to be in their places, and not to occasion any delay.

Mr. *Labouchere* would certainly have been glad if they could go on for a short time, but when his hon. Friend the Member for Salford was charged with having gone up-stairs to enable the late Government to proceed with their measures after twelve o'clock, he must remind the House how stern and inexorable the hon. Gentleman had been on several occasions when the late Government desired to proceed. Indeed, it often happened that when the hon. Member did not move, there were loud calls for " Mr. Brotherton " from the other side, and he was forced to make his motion, however, important the subject before the House.

Sir *R. Peel* said, the fact of there being any necessity to call for Mr. Brotherton, proved that that hon. Gentleman was sometimes slow to move. Now, he would really put it to the hon. Gentleman whether they could not go on for one hour longer?

Mr. *Brotherton* could not consent. He would divide the Committee.

The Committee divided on the question that the Chairman do report progress. Ayes 89; Noes 64: Majority 25.

List of the Ayes.

Acland, Sir T. D.
Acton, Col.
Aglionby, H. A.
Barclay, D.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Beckett, W.
Bell, J.
Bentinck, Lord G.
Boldero, H. G.
Botfield, B.
Bruce, Lord E.
Chelsea, Visct.
Childers, J. W.
Christopher, R. A.
Clerk, Sir G.
Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Dawnay, hon. W. H.
Douglas, Sir H.
Douglas, Sir C. E.
Drummond, H. H.
Eaton, R. J.
Egerton, W. T.
Ellis, W.
Eliot, Lord
Estcourt, T. G. B.
Ferguson, Col.
Ferguson, Sir R. A.
Fremantle, Sir T.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimston, Visct.
Grogan, E.
Hardinge, rt. hn. Sir H.
Harford, S.
Hawes, B.
Hayes, Sir E.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Lord M.
Hindley, C.
Hope, hon. C.
Hope, G. W.
Howard, hn. C. W. G.
Johnson, W. G.
Johnston, A.
Knatchbull, rt. h. Sir E.
Lincoln, Earl of
Mackenzie, W. F.
March, Earl of
Marsham, Visct.
Masterman, J.
Morris, D.
Napier, Sir C.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, J.
O'Brien, W. S.
O'Connell, M. J.
Palmer, R.
Parker, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Plumridge, Capt.
Pollock, Sir F.
Power, J.
Rae, rt. hon. Sir W.
Richards, R.
Ryder, hon. G. D.
Scott, R.
Stanley, Lord
Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Tufnell, H.
Vernon, G. H.
Villiers, Visct.
Wawn, J. T.
Wood, B.
Wood, Col.
Wood, G. W.
Yorke, hon. E. T.
Young, J.

TELLERS.

Bowring, Dr.
Brotherton, J.

List of the Noes.

Ackers, J.
Aldam, W.
Allix, J. P.
Antrobus, E.
Baird, W.
Bankes, G.
Baring, H. B.
Borthwick, P.
Bramston, T. W.
Bruce, C. L. C.
Burrell, Sir C. M.
Burroughes, H. N.
Cochrane, A.
Collett, W. R.
Colvile, C. R.
Crosse, T. B.
Dickinson, F. H.
Duff, J.
Egerton, Sir P.
Escott, B.
Fitzroy, Capt.
Fuller, A. E.
Gordon, hon. Capt.
Greenall, P.
Hale, R. B.
Hamilton, W. J.
Henley, J. W.
Hinde, J. H.
Hornby, J.
Jones, Capt.
Kemble, H.
Legh, G. C.
Leicester, Earl of
Lindsay, H. H.
Lockhart, W.
M'Geachy, F. A.
Mainwaring, T.
Martin, C. W.
Martyn, C. C.
Mitchell, T. A.
Morgan, O.
Neville, R.
Norreys, Lord
Northland, Visct.
Ogle, S. C. H.
Packe, C. W.
Peel, J.
Pringle, A.
Rashleigh, W.
Redington, T. N.
Rushbrooke, Col.
Scarlett, hon. R. C.
Scott, hon. F.
Sheppard, T.
Sibthorp, Col.
Smith, A.
Somerton, Visct.
Somerville, Sir W. M.
Sotheron, T. H. S.
Trollope, Sir J.
Trotter, J.
Waddington, H. S.
Whitmore, T. C.
Wortley, hon. J. S.

TELLERS.

Bradshaw, J.
Forester, hon. G. C. W.

The House resumed. Committee to sit again.

Adjourned.

HOUSE OF LORDS,

Tuesday, March 15, 1842

MINUTES.] BILLS. *Public.*—1ª· Newgate Gaol (Dublin); West-India Clergy.

Private.—1ª· Fierville's Naturalization; Midland Counties Railway; Manchester Infirmary; London and Greenwich Railway (No. 1); Brandling Junction Railway.

Reported.—Bunsen's Naturalization.

Received the Royal Assent.—Duchy of Cornwall; Van Diemen's Land.

PETITIONS PRESENTED. By Lord Campbell, from Monaghan, for Repealing the Law of Patronage.—By Earl Fitzwilliam, Earl Fortescue, Earl of Radnor, and other noble Lords, from Bath, Stockport, St. Mawes, Arbroath, Kirkaldy, Lanark, Glasgow, Barnstaple, Kilmarnock, and other places, for a Repeal or Alteration of the Corn-laws. —By Lord Fitzgerald, from Millers in Galway, against the Importation of Foreign Flour.—By the Marquess of Londonderry, from Belfast, Clough, Killerichy, Newlonards, Killelagh, and a great many other places in the North of Ireland, for the Presbyterian and Dissenters Marriages Bill.—By a noble Lord, from Chelsea, and Knightsbridge, for the Redemption of the Tolls on the Bridges.—By a noble Lord, from the Minister and Elders of Smithsborough, for the Abolition of the Law of Patronage.

MARRIAGES (IRELAND).] The *Lord Chancellor* stated, in reference to the report which he presented yesterday from the committee on the Marriage Law of Ireland, that he had that morning received some resolutions passed by the General Assembly of the Presbyterians of Ireland, held at Belfast, and communicated to him by the moderator. Two of those resolutions referred to the case which had been tried at Carrickfergus, and the first was to the following effect:—

"Resolved, that under the unhappy circumstances of this case, we are anxious that Parliament should abstain from legislation until a decision has been obtained by solemn appeal to the House of Lords, which may determine what the marriage law of Ireland really is."

The second resolution expressed their satisfaction at the appointment of a select committee by the House of Lords, and the reference of the Irish Marriage Bill to that committee. These resolutions were an additional proof of the expediency of the recommendation of the committee to postpone the bill for the present.

Lord *Brougham* said, he entirely concurred in what had fallen from his noble and learned Friend.

Subject at an end.

Adjourned.

HOUSE OF COMMONS,

Tuesday, March 15, 1842.

MINUTES.] BILLS. *Public.*—1ª· Bonded Corn; Dublin Police; Special Petty Sessions.

2º· Consolidated Fund; Public Works.

Private.—1º· Huish Champflower, &c. Inclosure; Medbourne Inclosure; Faversham Navigation; Metropolitan Patent Wood Paving Company; Ardrossan Harbour; Yarmouth and Norwich Railway; Wrexham and Mold Road; Glasgow Police (No. 2); Market Harborough and Brampton Road; Glasgow and Redburn Bridge Road; Britwell Inclosure; Knightsbridge and Kensington Openings; Victoria Park.

2º· Great North of England Railway; Bristol and Gloucester Railway; Reading Cemetery; Ellesmere and Chester Canal; Greenock Harbours; London and Blackwall Railway; Equitable Gas Company; Bristol Floating Dock; National Floating Breakwater Company; Wakeyhill Inclosure; Northern Union (Newcastle and Darlington Junction) Railway; Marylebone Parish.

3º· and passed:—Brandling Junction Railway; Mitford's Divorce; Manchester Infirmary; Midland Counties Railway; London and Greenwich Railway (No. 1).

PETITIONS PRESENTED. By Mr. Mackinnon, and Mr. Gore, from Ratepayers, and from St. Mary's, Marylebone, in favour of, and by Sir B. Hall, from several Districts of Marylebone, against the St. Marylebone Parish Bill.—By an hon. Member, from Pennycuick, against the Corn Importation Bill.—From the Dundee and Arbroath Railway Company, for Alteration of mode of Levying Duty on Passengers by Railway.

THE NATIONAL FLOATING BREAKWATER.] Mr. *P. Miles* moved the second reading of the National Floating Breakwater Bill.

Captain *Fitzroy* said, he felt it necessary to call the attention of the House to this bill, by which a national floating breakwater company was proposed to be established, and to give a brief description of the sort of breakwater the formation of which was contemplated, for the purpose of inducing those who were at present favourable to the project to inquire further into the subject, and to consider what would be the probable effect of the plan. He was of opinion that no structure in the nature of a breakwater could last for more than three or four years in the sea, unless it was formed of some very solid substance. A wooden structure would not continue to float for more than three or four years. It would be subject to the action of worms, which would bore through and through it in a few years, and destroy its buoyancy. Another objection was, that the chains by which it must be moored would, by the constant friction in the water, and by the action of the water itself, wear away very fast. As an instance of this, he might refer to the chains laid down by the Trinity-house at the different buoys, which were inspected every six months. It was found with respect to them, that the ironwork, the chains, and rings, never lasted more than six or seven years at the utmost. In seven years it was found that the chains were worn through. Now, he could not see howa breakwater formed of wood, which would soon lose its buoyancy, and the chains of which in a few years would be unserviceable, could properly answer the purpose for which it was intended. He did not think it would last for more than five years at the utmost. With these impressions he felt it to be his duty to call the attention of the House to the bill.

Bill read a second time.

Marylebone Paving Bill.] Mr. *Mackinnon* moved the Order of the Day for the second reading of the St. Marylebone Parish (Paving) Bill. After the presentation of some petitions for and against the bill, the hon. Member proceeded to move the second reading, and said, he did not wish to raise any discussion on this occasion, by entering into any protracted observations on the measure. But he thought it right to state that two points, which were considered most objectionable by those who opposed the bill, had been abandoned by its supporters—a circumstance which he hoped would give satisfaction to those parties by whom the measure was resisted. The provision with reference to the salary of the treasurer and that which related to raising the qualification of the voter, had been abandoned by the supporters of the measure. These objections being removed, he could not see any grounds for opposition to the second reading of the bill. It never was intended to be a job, but was designed rather to prevent jobbing and to amend the errors and faults in the present Act by which the parish was governed. If there were any objection to the different clauses remaining in the bill, the committee would be the proper place to discuss them. He should reserve himself for any objections that might be thrown out on the other side. Having made this statement, he trusted, that no further opposition would be offered to the second reading of the bill.

Sir *B. Hall* was certainly surprised at the statement just made by the hon. Gentleman. He had now heard for the first time, that two of the clauses to which much objection had been made were abandoned by the promoters of the bill. He, however, thought, that before the hon. Gentleman brought in a bill which so materially affected a very large and important parish, he ought to have stated some reasons for introducing it. He ought to have enlighted those who were interested in the measure as to the why and wherefore which had induced him to bring forward a bill, the effect of which would be most extensively to alter, and almost to repeal, certain existing acts. He should wish to know on what grounds the hon. Gentleman wished to repeal certain important clauses of the bill carried through Parliament by the right hon. Baronet (Sir J. Hobhouse). It was a bill, in fact for the repeal of all the local acts referring to the parish of Marylebone. He would call the attention of the House to the petition presented by the hon. Gentleman in favour of the bill. No person could be more desirous than he was to pay the greatest attention to the petitions presented to that House, but he felt himself bound to say, that the petition to which he referred on the present occasion was got up under gross fraud and false statements. He had received several letters which would show that such was the case. The hon. Member read extracts from letters addressed to him by several individuals, stating that they had been induced to sign the petition by misrepresentations of its purport, it having been stated to them that its object was to obtain a reduction, or an equalization of the rates; they would not have signed it had they been aware that its object was to do away with the local acts. One writer said, that had he known its true character he would not have given his sanction to so infamous a bill. These letters he would place in the hands of his hon. Friend, and he apprehended, after what he had stated, that little credit would attach to the signatures to the petition. Before his hon. Friend brought in a bill of this description he should have stated the grounds on which it was proposed, he particularly objected to the clause in the bill which made the rates payable in advance. He understood that by the bill the vestry was to be compelled to levy a rate for the entire year on the 1st of January, and to that he objected. He also objected to the bill, because there was no provision made for the relief of the poor. The sense of the parish had not been fairly taken in reference to the present bill. He believed that a large majority of the parishioners were opposed to the bill; and as he saw no justifiable reason for its introduction, he should move that it be read a second time that day six months.

Mr. *Mackinnon* opposed the amendment. He would put it to the House whether the time had not come for introducing some such change as that contemplated by the bill. The hon. Baronet had expressed his satisfaction with the late and the present vestry of Marylebone; but was the hon. Baronet aware that the late vestry had been obliged to borrow a large sum? and that the present vestry had contracted a debt of 20,000*l.* That vestry was now paying an interest upon the sum they had borrowed of 1,200*l.* per annum. One of their body had been prosecuted for a libel, and the expenses of the defence were not paid out of that individual's pocket, but the parish was made liable by the vestry for the entire sum. Now, nothing in his opinion, could be more monstrous than such a mode of proceeding. The object of the bill was to place the mode of election by ballot in the vestry on the same footing as the election of members of corporations. The object of the bill was to adopt the principle of the Reform Bill in the parish affairs of Marylebone, and he was satisfied that his hon. and gallant Friend was himself aware that would be its effect. The opposition which had been offered to the bill was entirely of a political character, as its framers only contended for the principle adopted by the Reform Bill, of apportioning votes in a compound ratio of population and property.

Mr. *Wakley* said, the hon. Gentleman who had just sat down expressed his astonishment that the hon. Member for Marylebone was not supplied with a great number of arguments against the bill. He marvelled at the hon. Member's modesty; he asked the House to allow the second reading of the bill, without stating one reason why the bill should be carried. Besides, this was the cast-off bill of another hon. Member, the Member for Middlesex, who, with an honourable feeling, had abandoned the measure. The hon. Gentleman opposite had taken it up, and he (Mr. Wakley) hoped it might prove a source of torment to him before he had done with it. He hoped the House would express some sentiment on the question at issue between the petitioners for this bill and the vestry. The petitioners to the bill had met in private; they had not dared to call one public meeting. The vestry was a popular one elected by ballot; every rate-payer had a right to vote, but a qualification for vestrymen was necessary; and so it was, that out of 120 vestrymen, sixty were noblemen or gentlemen of liberal professions; yet the vestry did not work well. Was the hon. Gentleman opposite aware that the vestry to which he belonged, bequeathed a debt of 120,000*l.* to the present vestry, who had reduced that debt to 53,000*l.*, and had reduced the rates from 4*s.* 4*d.* to 3*s.* in the pound. The fact was, however, the vestry had committed two unpardonable offences in the eyes of the supporters of the bill—they had attended to the wants of the poor, and had obeyed the law. Those were the grave and unpardonable offences they had committed. If the House permitted the second reading of this bill without one word being addressed in favour of it, they would be despised by the people. This case really did demand the attention of Parliament, and he implored hon. Gentlemen opposite, before they gave their votes, to reflect well on what they were doing. They called themselves Conservatives, and he could not object to the term at all, because he was as anxious as they were that everything should be preserved that was good, at the same time that everything should be destroyed which was bad. But what kind of conservatism was the support given to this bill? Hon. Gentlemen opposite conformed to the Reform Bill, and the Reform Bill gave two Members to Marylebone—the gallant Commodore and another hon. Gentleman. There was a furious contest at the election for the borough, and those two hon. Gentlemen were returned to that House. Did either of those two hon. Gentlemen support that bill? No. The parish was represented in that House, but both the representatives were hostile to the bill, and yet the hon. Gentleman expected his supporters to vote for it. That was not the way to support the Reform Bill, and if that were the nature of the support they could all calculate what would be its fate, if they had the opportunity of destroying it. This case ought to impress upon Members of the House the necessity of looking at private bills. The present bill proceeded from a reckless band of parochial jobbers. The old defective and incompetent vestry, who wished to get a reinstatement into power, and to defeat the authorities of the parish who had violated no law—had obeyed every legal enactment, and had managed the affairs of the parish in a frugal and prudent manner. But, says the hon. Gentleman, have they not been exposed in the newspapers—have not condemnatory paragraphs appeared against them? Yes, they have, and he hoped that the hon. Gentleman did not know the author of them. There were hon. Gentlemen opposite connected with literature, and they must know how easy it was to get inflammatory paragraphs into newspapers. There was no difficulty in that. But where were the facts—were there any facts? The hon. Member said, that the mode of election ought to be changed, and he complained that there were five places fixed where parties could poll, while the law only gave the power to appoint four inspectors—in fact, that there was one limb of the system incomplete. What was the hon. Gentleman's demands? Why, to cut off the other four. That was bad surgery—and he could tell him that, as a professional man. He trusted the House would reflect on what they were asked to do in this case, and unhesitatingly reject the present bill. He was in the parish of Marylebone almost every day, and was in the habit of meeting hundreds of the rate-payers, and he could declare positively that he had not found a single individual who supported the bill, or believed that there was the slightest necessity for the introduction or adoption of that measure. Had not the hon. Gentleman some misgivings as to the motives of those who prompted him to introduce the bill? There had only been one small skirmish, and yet he says there are two parts of the bill which he consents to give up. One of these was a nice little job for giving a treasurer 1,000*l.*, in order to provide for some cousin or relation, or some noodle who could not get his living by his own ability; the other was the qualification, and the present bill proposed that the qualification should be raised from 40*l.* to 60*l.*, and no person could act as a guardian of the poor who had not 60*l.* a year. He hoped and trusted that the hon. Gentleman, and those who prompted him to bring in this most flagitious and flagrant bill would be defeated, and that it would be rejected by the House of Commons.

Mr. *Hardy* said, that the hon. Gentleman had stated that no persons in Marylebone were to be found favourable to the bill, but he had met with several who supported it; and the only question now was as to the details. A bill had been passed forty-seven years ago on the subject, and certain other acts had been passed to explain that bill. Then came the act called Hobhouse's Bill, and then the Police Act, and then Mr. Taylor's Act, all of which affected the provisions of the original bill; and, in consequence, forty-eight clauses of it had been rendered useless. He was himself a recent ratepayer, and he could find nothing definite on the subject, unless he went through the various bills. With respect to Hobhouse's Bill, it required eight inspectors, and appointed five polling places. The next thing was, that the auditors of the parish were in alms-houses, and he asked if that did not require alteration. With respect to the vestry the inhabitants of Marylebone had been obliged to file a bill against it, and they succeeded.

Sir *C. Napier* said, that the old vestry had left a debt on the parish of 168,000*l.*, and that the present vestry reduced it by 53,000*l.* On what just grounds then, he wanted to know, should they seek to turn out the vestry which had effected so much good.

Mr. *Leader* said, that there were two or three parishes in the borough which he had the honour to represent, which felt deeply interested in the measure; and he trusted he would therefore be allowed to say a few words upon the subject. He would first state his doubt as to the accuracy of some of the statements made by the hon. Member for Lymington. He understood that the facts mentioned by the hon. Member were not facts at all, but were mere statements taken from an article in the *Morning Post*. He trusted that the House would not be led away by accusations of that kind. They were now called upon to repeal an act, under which the parish of Marylebone had been well governed, and a large part of its debts paid off; and they were asked to pass the present bill, which was called a private bill, but which in reality materially affected public interests and great principles. The bill under their consideration contained 275 clauses, and it was impossible that the House could now be prepared for entering into a full consideration of their merits. If they assented to the second reading of the bill, they would subject the parish of Marylebone, and the parishes of St. James's and St. George's, Westminster, to very great and needless expense; because he could assure hon. Members, that though the bill was now read a second time, there would not be the slightest chance of passing it through committee before the end of the Session, in consequence of the opposition it would meet with, and the number of clauses it contained. It would therefore be a mere waste of time, and be only to send the bill before a committee. He believed the bill had been got up by a few interested parties, who wished to see restored the old self-electing vestry system. The measure was not called for by the parish at large, and, instead of doing good, he believed it would create a great deal of mischief. It appeared to him to be a mere caricature of legislation, and he hoped the House would not consent to the second reading of such a bill.

The House divided on the question that the bill be now read a second time— Ayes 206; Noes 131:—Majority 75.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, M.
Arkwright, G.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baldwin, C. B.
Bankes, G.
Baring, hon. W. B.
Baring, H. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Bell, J.
Beresford, Capt.
Beresford, Major
Bernard, Visct.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, A.
Carnegie, hon. Capt.
Cartwright, W. R.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clayton, Rice R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, right hon. Sir G.
Cole, hon. A. H.
Collett, W. R.
Colvile, C. R.
Coote, Sir C. H.
Copeland, Ald.
Corry, right hon. H.
Courtenay, Visct.
Cresswell, B.
Cripps, W.
Crosse, T. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dick, Q.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Duffield, T.
Duncombe, hon. O.
East, J. B.
Egerton, W. T.
Egerton, Sir T.
Egerton, Lord F.
Emlyn, Visct.
Estcourt, T. G. B.
Fellowes, E.
Ferrand, W. B.
Fitzroy, Capt.
Fleming, J. W.
Follett, Sir W. W.
Ffolliott, J.
Fremantle, Sir T.
Fuller, A. E.
Gaskell, J. Milnes.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Grant, Sir A. C.
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hawkes, T.
Heathcote, Sir W.
Henley, J. W.
Herbert, hon. S.
Hill, Sir R.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Ingestrie, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Johnson, W. G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
MacGeachy, F. A.
Mahon, Visct.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Paget, Lord W.
Peel, J.
Polhill, F.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Smith, A.
Smythe, hon. G.
Smollett, A.
Stanley, E.
Stewart, J.
Tollemache, J.
Tomline, G.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Tyrell, Sir J. T.
Vere, Sir C. B.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hn. R. B.
Wyndham, Col.
Young, J.

TELLERS.

Mackinnon, W. A.
Hardy, T.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blake, Sir V.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Browne, hon. W.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Burdett, Sir F.
Busfeild, W.
Byng, rt. hon. G.
Chapman, B.
Childers, J. W.
Clay, Sir W.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Dennistoun, J.
D'Eyncourt, r.hn. C.T.
Duff, J.
Duncan, G.
Duncombe, T.
Ebrington, Visct.
Ellice, E.
Elphinstone, H.
Evans, W.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Holdsworth, J.
Howard, hn. C. W. G.
Howard, hon. E. G. G.
Howard, hon. H.
Humphery, Mr. Ald.
Hutt, W.
Johnston, A.
Lambton, H.
Langston, J. H.
Langton, W. G.
Larpent, Sir G. de H.
Layard, Captain
Leader, J. T.
Lemon, Sir C.
Loch, J.
Macaulay, right hon. T. B.
McTaggart, Sir J.
Mangles, R. D.
Marshall, W.
Maule, rt. hon. F.
Mitcalfe, H.
Morris, D.
Morison, General
Mostyn, hon. E. M. L.
Napier, Sir C.
O'Brien, J.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, J.
O'Ferrall, R. M.
Ogle, S. C. H.
Paget, Col.
Parker, J.
Pechell, Capt.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hon. J. G.
Power, J.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Redington, T. N.
Rennie, G.
Rice, E. R.
Ricardo, J. L.
Rous, hon. Capt.
Scott, R.
Seale, Sir J. H.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serj.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Troubridge, Sir E. T.
Tuffnell, H.
Tuite, H. M.
Turner, E.
Villiers, hon. C. P.
Vivian, hon. Capt.
Walker, R.
Wall, C. B.
Ward, H. G.
Wawn, J. T.
Westenra, hon. H. R.
Wilde, Sir T.
Williams, W.
Winnington, Sir T. E.
Wood, B.
Wood, G. W.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Hall, Sir B.
Wakley, T.

NEW TARIFF.] Sir *C. Lemon* asked, whether it were intended to lay a duty on the importation of metallic tin; whether a duty were to be laid on foreign copper ore imported for smelting; and, if so, whether the duty would apply in proportion to the metal contained in the ore, or merely on the value of the ore as imported?

Mr. *Gladstone* said, that metallic tin had been omitted from the tariff by error. It was intended to alter the present law, which admitted metallic tin at a duty of 2*l.* 10*s.* the cwt., to 10*l.* the ton, or 10*s.* the cwt. A higher duty was imposed on the importation of tin, in proportion to other metals in the same state of preparation, on account of the duty levied for the duchy of Cornwall. With respect to copper ore, it was intended to do away entirely with the system of smelting in bond; and to make all ores liable to a duty of 5 per cent. *ad valorem*, whether imported for exportation or consumption. With respcct to the other question put by the hon. Member, it was intended to take the 5 per cent. duty on the ore, and not on the copper extracted. As might have been expected, there were one or two errors of the press in the tables which had been printed; and with reference to the fourth schedule, relating to seeds, he might mention that it was intended to continue the duty on linseed, rape, and flax at 1*s.* per quarter; and on gypsum, or plaster of Paris, the present duty would continue.

INCOME-TAX MACHINERY.] Mr. *F. T. Baring* said, I rise to put the question to the right hon. Gentleman opposite of which I have given notice. I shall punctiliously adhere to the practice of not introducing any matter for discussion, but confine myself to what is merely necessary for the purpose of explaining to the House and to the right hon. Gentleman the object of my question. The House will recollect that, in the full statement which the right hon. Gentleman made to the House on Friday last, there was one point—and I do think one point only—on which he afforded to the House no information, and that is, the machinery which he intends to employ, and the powers which he means to exercise, for the collection of the tax which he proposes. A question was put to the right hon. Baronet, for the purpose of eliciting this information; but there was an evident wish not to press him to make further disclosures on that occasion. I do think, however, that this is a point on which the public have a fair right to be heard, and with that view I venture to put a question to the right hon. Baronet, for the purpose of remedying the omission in the announcement which he has already made. I do not wish the right hon. gentleman to go through all the small details of his arrangement; what I wish to hear from him is, some information as to what forms the essence of the tax now before Parliament, because I apprehend that, in all taxes, an essential subject of consideration is the mode in which they are levied; and the question, whether a tax is good or bad, is, whether it takes money out of the pockets of the subject in a convenient or inconvenient manner. I wish, therefore, to ascertain what is the machinery which the right hon. Gentleman intends to introduce; what are the powers he intends to give to the officers employed under this system; whether those officers are to be commissioners; what is the mode of investigation (for that is one of the main points) to which the party who is obliged to pay the tax will be compelled to submit, and what is the mode of compulsion proposed to be exercised towards any person who refuses. I do not wish to detain the House, but I was desirous merely to state what my view was in asking this question. I do trust that the information I have sought will be afforded, more especially after the announcement you, Sir, have made from the Chair, that after the proposition of the right hon. Gentleman is once before the House, our doors will be shut to any petition or remonstrance that may come from the country as to this tax.

Sir *R. Peel*: Sir, the right hon. Gentleman has put to me seven questions, to which he requires an answer. As I stated to the House, I shall bring forward a measure embracing the general principles which I have already disclosed, and on which the present Government proposes to found a bill for the purpose of supplying the enormous deficiency which has been occasioned by the disproportion which has been suffered to accrue between the revenue and expenditure. In the bill for raising the property-tax, there are about 218 clauses; and the right hon. Gentleman thinks it convenient for me to state, in answer to his question, what is the general purport of those clauses. Consistently with my public duty, I do not feel I could give an answer to the right hon. Gentleman without entering into explanations which cannot be properly made in replying to a single question, or a series of questions. The House, I am sure, must feel, that it is extremely difficult for any one who labours under the responsibility of proposing a great measure to Parliament, and upon which it is of the utmost importance that the intentions of the Government should be kept perfectly secret as regards its operation on the commercial and manufacturing interests, to disclose the principal provisions of his scheme in an imperfect shape before Parliament. The records of whole proceedings of the old property-tax commissioners were destroyed by a vote of this House. Almost all the officers employed under it have ceased to exist. I do not deny the importance of the matter to which the right hon. Gentleman's question applies, and I think the machinery under the proposed tax a question of grave consideration. But it is the first privilege, as I hold it, of a Chancellor of the Exchequer to have an opportunity of explaining in detail the provisions of an all-important measure of this nature. It is perfectly open to the right hon. Gentleman to debate this question on Friday; but I do not think it fitting that I should explain, in answer to a mere question, what are the general provisions of a bill so complicated as one for levying a tax of this nature must be. I must, therefore, beg leave to decline answering the question of the right hon. Gentleman.

Viscount *Howick* said, that as the right hon. Baronet objected to state, in answer to a question, the nature of the machinery he proposed to adopt, he wished to know whether the right hon. Baronet would take some mode of giving the required explanation before the House was called on to discuss the measure; because it appeared to him that the propriety of granting or refusing the tax turned to a considerable extent on the nature of the machinery to be employed for its collection. It was a little too hard that they should be expected, after hearing for the first time on Friday next what the machinery was, to give a vote, in a few hours afterwards, which, if once given in favour of the proposition, so far committed the House that no further petitions on the subject could be received. He, therefore, wished to know whether the right hon. Baronet would object to take some mode of explaining the nature of the machinery he proposed to employ, so as to allow some interval of time to elapse before the House was called on to vote upon the proposition?

Sir *R. Peel* said, that the noble Viscount and every hon. Gentleman would have the fullest opportunity, during the progress of the bill, of discussing the matter if the machinery should appear to them unsatisfactory, or so unsatisfactory as to constitute a fatal objection to the measure. Acceding to the preliminary resolution would not bind the noble Viscount to support every part of the bill. He was sure the House would not expect, in reference to a bill which might contain about 218 clauses, any Member should be bound to all the details. He would at the earliest period, whenever there was an opportunity of entering into an explanation (but not in answer to a question), state to the House the general principle on which he proposed the machinery should be constructed. He would do so when he had an opportunity of replying to the comments that might be made by various hon. Gentlemen, but not when he was limited to a mere answer to a question.

Mr. *F. T. Baring* said, that as the right hon. Baronet had alluded to a bill with 218 clauses, he wished to explain that all he asked for was the principles of his proposed machinery. Mr. Pitt, when he announced the income-tax, thought it his duty on that occasion to explain the principle and mode of levying it. He certainly did not think he had asked an improper question.

Sir *R. Peel* apprehended, that Mr. Pitt made his explanations in the committee on the bill, and not in answer to questions. The right hon. Gentleman would be at perfect liberty to ask for details on Friday next; but how was it possible for him to enter into explanations of the sort required, in answer to the right hon. Gentleman's seven questions, as to who were to be the commissioners, what powers they were to exercise, what officers of excise or other department were to collect the tax, what powers each were to have, and so forth?—Conversation at an end.

ANGLO-PORTUGUESE LEGION.] Captain *Layard* begged to ask the right hon. Baronet whether the British and Portuguese Commission had effected any settlement of the claims of the Portuguese Auxiliary Legion, and whether any division had been made of the funds allotted to that purpose? He regretted to say, that most of the men who had engaged in the expedition were at the present time in utter destitution, and that many of the officers were suffering extreme privation.

Sir *R. Peel* assured the hon. and gallant Officer that he sincerely sympathised in the misfortunes of those concerned in the Portuguese expedition. The commissioners had already adjudicated on many of those claims, and he hoped that before long the rest would be settled. With respect to the question put by the hon. and gallant Officer as to the division of the money, he (Sir R. Peel) was unable to afford an answer. The recent disturbances in Portugal had interposed some obstacle in the way of a settlement of the claims referred to, but he hoped that before long they would be completely adjusted.

SALFORD GAOL—MR. BAGSHAWE.] Lord *F. Egerton* inquired, whether the Secretary for the Home Department had made an inquiry, or whether with or without inquiry, he had received information on the subject of certain charges made against the chaplain of Salford Gaol, Mr. Bagshawe.

Sir *J. Graham* said, that he had received from the chaplain of Salford Gaol a letter contradicting in the most positive terms the charge that he had on more than one occasion preached sermons offensive to the feelings of the Roman Catholic prisoners. He thought the hon. Gentleman opposite must have made his statement under some misapprehension.

Mr. *T. Duncombe* said, that as he regarded the question put by the noble Lord opposite, with reference to the case of the rev. Mr. Bagshawe, as put against himself, he would trouble the House with a short explanation of the facts on which his statement was made. No one would wound the feelings of another with more regret than himself, and if he found that he had unintentionally done so, he should always be ready to offer an apology and any reparation in his power. But before he considered it due to make this apology and reparation, he thought it was but right to find whether or not it really was due. He must be satisfied that he had misrepresented before he made an apology for misrepresentation. His hon. Friend the Member for Kendal had told him the other day, that a correspondence was going on upon the subject of the charges which he had preferred against Mr. Bagshawe; and in consequence of this he had made further inquiries, and he would read to the House the result of those inquiries. In the first place, he would read a letter from the rev. Mr. Macartney, a Roman Catholic clergyman, who was licensed by the Bishop of Lancashire to attend gaols, and give spiritual advice to the members of the Roman Catholic communion within his diocese:—

" *Manchester, March* 10, 1842.

" My dear Sir,—I am quite delighted that they have thought proper to deny your statements, as it gives us an opportunity to prove them, and to bring the matter more fully before the public. We are really very much indebted to them. If called on to do so, I am ready to depose on oath, that about a month ago, having called upon the gaoler about procuring some copies of the prison rules, one of which I sent to you, the gaoler, amongst other things told me, in answer to a remark I made, 'that we had not been called on for the last two or three years to see any of the healthy prisoners.' The gaoler said, that the healthy prisoners, if ever they asked for us, it was only to assist them in getting up their defence. To prove this assertion, he said, 'A person wanted you the other day, and I was sure he only wanted you to assist him with his defence.' I asked him how he knew that? He replied, that he took the chaplain with him, and I understood him to say they both interrogated him, and, being satisfied that he only wanted to see me to assist him in his defence, of course he (the gaoler) did not think proper to send for me. When my memorial, which is in your hands, was presented to the visiting justice, the gaoler was called to know if any prisoners had asked to see a Catholic clergyman, and had been refused? He (the gaoler) told the visiting-justices what had occurred a few days before, and which I have just stated above, about this man asking for a Catholic clergyman, and having been refused, as they (the chaplain and gaoler) thought he wanted one only to assist him with his defence. All this I have from the gaoler himself; this is the instance alluded to; I am ready to make oath to the correctness of the above statement. I have been to see a couple of convicts to-day, the first time I have been called since my appointment, which is exactly five months to-day. One of these convicts, Elizabeth Irwin, twenty-seven years of age, under sentence of transportation for stealing from the person, tells me that she has asked for me above twenty times; allow for exaggeration, and it may be she has asked several times; and Mr. Bagshawe, she says, told her 'he had forgot,' but that he would see that she had an interview with the priest before she left prison to go to her punishment. This woman, I understand, has been in the New Bailey these last four months. I asked if Mr. Bradshawe was in the habit of preaching controversial sermons? I received the same answer from all who have ever heard him—namely, that the beginning, middle, and end of his discourses are controversy, always attacking the Catholic religion. Again, I am now attending a sick person, her name is Isabella Pratt; she tells me, that having been in the New Bailey about three months ago she heard Mr. Bagshawe preaching against the doctrine of the real presence, one of the most sacred articles of the Catholic belief; she says that the Catholics were so excited by his discourse, that one Irishman, after the service was over, got up and contradicted Mr. Bagshawe; two turnkeys collared the man immediately, and a report was spread through their side of the prison that the man was put on bread and water for a week, but she says this was only a report, she cannot swear to this, but can as to his speaking. She says also that it was reported that he was locked up in solitary confinement. The next Sunday she says Mr. Bagshawe commenced on the same subject as soon as he got into the pulpit. The man got up again and interrupted him. Mr. Bagshawe ordered him to be taken out, and he had to be brought round in the same gallery behind where the females sat: as the man was passing the door, which was open, he saw Mr. Bagshawe, and he shouted out to him, 'You ruffian, you ought to be dragged out of the pulpit,' and 'you'll know yet that Jesus Christ is whole and entire in the sacrament.' No one, of course, can approve of such conduct; and I merely quote the language to show what the irritation must have been to the feelings, before a prisoner could have so far forgotten himself, knowing that he would be liable to severe punishment for so doing. This woman is ready to come forward and state this on oath. I asked Elizabeth Irwin in the prison this morning if such a thing had taken place; she told me it had. Now, these witnesses do not know each other; nor does one know that I asked the other. They, I dare say, will endeavour to invalidate the evidence of persons who had lost their character, by having been inmates of the prison, but when it is considered that numbers of prisoners unknown to each other, with years sometimes between their evidence, all attest the same thing, namely, this man's harsh, tyrannical conduct, and his great antipathy to everything Catholic, I think there cannot be a doubt on any unbiassed mind as to the fact of the sermon which made the Papists 'as mad as blazes.' The man who made the request was one Smith, belonging to the 17th Lancers, and the request was made by him to Mr. Roberts, and not to a turnkey, as the papers have it. Mr. Roberts is dreadfully afraid of losing his situation, and so if you can do without mentioning their names it would be much better. I believe he is writing now, but he is terrified. You may make what use you please of my name, and also of Isabella Pratt's; but all the statements which have been given to you that I am cognizant of you may have on oath. I wish, Sir, you were on the spot for twenty-four hours, that you might hear and see for yourself. "I remain, &c., A. MACARTNEY,"

96, King-street, Salford.

"T. S. Duncombe, Esq.

"P. S.—Can no security be given for the witnesses not suffering for giving evidence in this case? I refer particularly to Roberts, &c."

He had also written to Mr. Roberts, the master of the Salford Union workhouse, and who formerly held the situation of schoolmaster of Salford gaol. The following was Mr. Roberts's letter—

"*Union Workhouse, Salford, March* 10, 1842.

"Sir,—Your letter of the 9th inst. I have received, and beg to say that I am prepared to verify, on oath, that a prisoner, named Thomas Smith, did request of myself to ask 'The parson to preach that sermon over again, stating it was a capital good one, that there were many b—y Catholics in his ward, and that it made them as mad as blazes.' My answer to him was, that I had no need that I should ask him anything of the kind, as he would hear similar sermons preached again. The prisoner was a misdemeanant, committed to four months' imprisonment in February, 1839. Patrick Farrell, in the month of January, 1840, solicited to see the priest, and objected to go to chapel. He stated to me himself that his request was not granted. He was on the sick list, but not in the infirmary. The turnkey stated, also, that he wished to see the priest, and that he would compel him to attend the chapel, or lock him up. I have seen prisoners taken to be locked up for refusing or objecting to attend the chapel, and the chaplain conversed with each of them previous to their being locked up, and in one instance was anxious to compel the man to attend, lest his example should be followed by the rest of the Catholics. I pleaded with the chaplain that the man might be allowed to be confined, as he preferred it rather than be present at the chapel. As to the controversial sermons, allow me to make an entry or two from my journal. 'February 2nd, 1840.—Sunday. Text 143d Psalm, first two verses, 'Hear my prayer, O Lord, &c. He spoke of the inutility of prayer in an unknown tongue. Many say *pater noster*, and don't know what it means; some repeat so many prayers on Monday, so many on Tuesday, and so on. All this is formal, vain repetition, and will not be answered. [Here the chaplain paused, and said, I shall not proceed until you cease whispering. I will sit down, and afterwards finish my sermon; or I will open the Bible, and read two or three chapters.'] On Sunday, January 26, 1840, in the course of his sermon he told them that a man had stated to him what he had heard another man say, who was a member of another church, 'That if he had the power, he would destroy every heretic with the blast of his mouth.'

"'Tuesday, March 17, 1840.—St. Patrick's day. Service, female side of prison. Struck twelve o'clock immediately after it commenced. Should be dismissing the prisoners at that time. The chaplain read the 3rd chapter of the Gospel according to St. John, and commented, but afterwards struck off to inveigh against the Roman Catholic, one-third of his congregation being of that persuasion. Two female officers were stationed close to the prisoners, within the altar, the prisoners immediately surrounding it in a semicircle. This was the first time officers were stationed in that place. They sat opposite to each other, and one could see the prisoners behind the other's back, and could detect the least whisper or irregularity. He spoke of the Jews considering the Romanists and Greek church as idolatrous—of the worship of images—of relics—and that others had a right to consider them idolatrous as well as the Jews. He spoke of Nero persecuting the early Christians, and of a portion of the Christian Church afterwards imitating the heathen, and persecuting the true church during the dark ages. He alluded to a Pope commanding a monarch to do penance for three days—of a monarch holding the stirrups of a Pope—of the debaucheries of Popes, and named the son of one Pope as being a murderer. Said that the Romanists had burnt the ministers of God, and had burnt his word. Would do so now, but thanks be to God, too many copies of the Scriptures were disseminated. Spoke of Luther, Huss, and of several historical matters in church history. It was twenty-five minutes past twelve o'clock when he concluded. The dinners of the poor prisoners were quite cold on the trays in the yard, waiting since twelve o'clock. This was St. Patrick's day, a treat for the Irish females. The most perfect order and silence were preserved by all the prisoners throughout the lecture.' Sir, I could multiply these notices of sermons on controversial points. I am astonished that the chaplain should deny a fact which is so notorious.

"I remain, Sir, your very obedient servant,

JOHN ROBERTS."

The evidence he had read came from

persons of undoubted respectability, and it fully corroborated what he had alleged. Under these circumstances, he considered that no apology was due to Mr. Bagshawe, but instead thereof, he thought that much was due to the unfortunate persons whose misfortunes he had communicated to the House. He trusted the right hon. Baronet (Sir J. Graham) would grant him the committee he asked for; and if he had a committee, and it was fairly constituted, he was satisfied that evidence could be produced sufficient to satisfy an impartial mind that a thorough reform of Salford gaol was needed, and also that the present chaplain ought to be discharged.

Mr. *O'Connell* said, that he had on former occasions abstained from mentioning names, but he would then observe that the Rev. Mr. Macartney was as respectable a man as any among the Roman Catholic body. He should give notice that after Easter he would bring the case of Roman Catholic prisoners confined in gaols within the united kingdom before the House.

Lord *F. Egerton* merely wished to state to the House, that the Gentleman respecting whom this discussion had been raised had thought it his duty, through him, to deny the matters of fact charged. There were three charges respectively made against the chaplain. First, with reference to the permission given to Roman Catholic priests to attend prisoners, the chaplain declared, that it was not the part of the chaplain to admit, or to exclude, or to send for any Roman Catholic clergymen; but, at the same time, he stated the case of two men who had committed to the gaol for burglary, who appeared not desirous to see their priest as a minister of religion, which would have been authorised according to rule; that so far was the chaplain from preventing the admission of such clergyman, that he told the prisoners if they wished to communicate with him, they would be allowed to do so. He was informed there was no answer. He had to add, on the part of the chaplain, that these charges had come before him merely from what had accidentally passed in that House, and that he was otherwise totally unaware that such complaints were to be made against him. He would further beg to state, that there had been a unanimous resolution come to by the visiting magistrates of the gaol—a body of gentlemen of various political and religious opinions—acquitting the chaplain of blame; and the governor who was by his duty compelled to be present at the sermons which were preached, and who was a dissenter, averred that the rev. gentleman had never made sermons of a controversial character. This was the resolution of the magistrates:—

> "Resolved, that after diligent inquiry, it is the opinion of the visiting justices that the charges against the chaplain are unjust, and they consider the rev. gentleman has always displayed a most benevolent spirit; and also, that they can find no instances in which the application of a Roman Catholic prisoner to receive the visits of a minister of his own communion had not been acceded to."

He had produced this document to show that if there was a statement on one side, there was a counter-statement on the other; though he was unacquainted with the rev. gentleman himself, yet he had understood from one of the visiting justices that he bore a most irreproachable character.

Subject at an end.

Percussion Muskets.] Lord *A. Lennox* begged to ask his hon. and gallant Friend, the Member for Chippenham, (Captain Boldero), whether it was the intention of the Ordnance Department to issue muskets with percussion locks to the 6,000 troops who were about to be sent out to India? And also, whether it was the intention of the same department to issue the same species of muskets to the dépôts which were to form the new battalions for the colonies.

Captain *Boldero* said, that the Ordnance would be able to furnish the troops with effective and efficient percussion arms. With respect to the second question, he had to state that when the battalions were formed, it would be necessary to furnish them with the same description of arms, and it would be done.

Dublin Royal Society.]—Mr. *Redington* wished to know whether the Lord Lieutenant of Ireland had given directions for the payment of a sum of 2,000*l.* to the Dublin Royal Society, and whether it was proposed to take this money out of the civil contingencies; also, whether the Government approved of this course being taken without the certainty of the House sanctioning it?

Lord *Eliot* said that her Majesty's Government did intend to move a vote for the usual grant. He did not then know what would be the precise amount, but it would be in the nature of an advance on account.

Subject at an end.

SPECIAL SESSIONS.] Mr. *G. Bankes* brought up a bill for making further provision for the holding special petty sessions.

On the question that the bill be read a first time,

Mr. *C. Buller* said, that seeing the hon. Member for Dorsetshire (Mr. G. Bankes) and the Secretary for the Home Department (Sir J. Graham) in their places, he wished to call their attention to an important point in the administration of justice, which had been mentioned to him as occurring on the Western Circuit at the present assizes. Since the Prisoner's Counsel Bill had passed, there had been a disposition, and properly so, on the part of the judges to avoid the examination of witnesses against the prisoner, lest, on re-examination, after the prisoner's counsel's cross-examination, they should be compelled to assume a tone apparently more unfavourable to the prisoner than was consistent with the strict impartiality of the bench. And the judges had introduced a practice of throwing down briefs to counsel desiring them to conduct the prosecutions; but, as counsel had a laudable habit of never doing anything for nothing, the county of Dorset had been charged a guinea in each case. The magistrates had felt it a great grievance that they should have to pay for promoting the ends of justice, and had endeavoured to evade it by a practice entirely subversive of the very principles of justice — the committing of prisoners over the assizes to take their trial at the next ensuing quarter sessions, these magistrates actually thus incurring the additional expense of prison maintenance for the interval rather than pay counsel their guinea fees, and keeping prisoners in confinement for an unlawfully long period previous to trial. He had always considered the commission of the judges to be one of gaol delivery, and that they were bound to deliver every prisoner in gaol. He therefore said, that it was unsound in principle, and unjust and unconstitutional in practice, to commit prisoners over the assizes to take their trial at the ensuing sessions. He moreover understood that in one case in which an immediate trial was applied for to one of the judges, it was not granted without the imposition of certain conditions. He, therefore, thought it right to call attention to the subject, and he trusted if the right hon. Baronet was not able to do so at present that he would make inquiries and give the House some explanations respecting it.

Mr. *G. Bankes* said, that it was in his power to give an answer to the hon. and learned Gentleman, though not to the full extent which he required. He (Mr. C. Buller) had not stated the grounds of the information which he had laid before the House, nor whether he had any better information than the public at large received from the newspapers of the day. His (Mr. G. Bankes's) attention had been directed that afternoon to a statement in the *Morning Herald*, which certainly contained a charge to the effect adverted to by the hon. and learned Member. But he should conceive that his hon. and learned Friend's practice and experience might have satisfied him that the statement, as it had been published, could not be true; because it was well known that the magistrates could not (even had they had the disposition so to do) prevent prisoners from taking their trials at the assizes, as the judges had not only the full power of general gaol delivery, but the imperative duty imposed upon them of effecting that delivery; so that it could not be supposed that the judges should have neglected the performance of so plain a duty, in the discharge of which the magistrates had no power whatever to interfere. He thought, therefore, that on this point there must be some misapprehension in the statements. Now, as to the other points, it had been observed by the magistrates of Dorsetshire that the expenses of the prosecutions had increased most enormously; and he, as chairman, had requested of the treasurer to furnish him with a comparative statement of those expenses; that return evinced that the average expense of a prosecution at the sessions was about 6*l.* 10*s.*; whereas, the average expense of a prosecution (for a similar offence) at the assizes was not less than 16*l.* 10*s.* A great degree of this enormous increase arose from those fees to counsel to which his learned Friend had alluded It was true that the judges had generally consigned the prosecutions to counsel, and at first—not that counsel refused anything, but a guinea fee had been offered,—in a short time, however, this fee had increased from one to two guineas; then other fees to solicitors and expenses of briefs were added, till at last these expenses amounted to 3*l.* or 4*l.* in each case. Now, certainly, the magistrates had respectfully requested of the judges not to require the service of counsel except in such cases as it was necessary. For this the magistrates had been assailed by strong paragraphs in the newspapers, representing them, because they wished to save the rate-payers unnecessary burdens, as sordidly disposed to obstruct from views of expense, the due administration of justice. But surely it was not more than fair to represent to the judges, as he (Mr. Bankes) had respectfully done, that if they, the learned judges of the realm, required the aid of counsel, much more must the less learned and less experienced magistracy require such aid, which, if applied in all cases, would involve an expenditure utterly unsustainable by the counties. Already the expenses of prosecutions were heavy enough. On the particular inquiries which had been made he would certainly direct investigation; but he was persuaded that no such practice could prevail as had been alluded to by his learned Friend, for anxious as the magistrates were to prevent the burdens of the ratepayers being unnecessarily increased, they never could have descended to indirect or improper means of relieving the country of such charges.

Mr. *C. Buller* said, to show that he had not over-charged the statement, he begged to read an extract from a letter of a barrister on the western circuit, from whom his information had been derived :—

"Application was made to the court of quarter sessions that some prisoners might be sent to trial at the assizes instead of being detained till the next sessions, and the application was acceded to on condition," &c.

Mr. *G. Bankes:* The application was acceded to.

Mr. *C. Buller:* Yes; but the existence of the practice of keeping prisoners over the assizes is clear, else why have a special application for their trial at next assizes?

Mr. *G. Bankes:* Inquiry shall certainly be made into the subject.

Bill read a first time.

INCOME-TAX—ON PENSIONS.] Mr. *M. Gibson* said, he had to make an inquiry of the right hon. Baronet as to the Income-tax—whether he proposed to levy the tax on pensions secured on the consolidated fund by acts of Parliament?

Sir *R. Peel* said, he apprehended that as salaries of public officers—so pensions—would be subject to the tax. But really so many questions were administered to him on the subject, that desirous as he was of answering all proper enquiries, he thought it would be best if the hon. Member postponed his question.

Mr. *Gibson* said, perhaps as the debate was to come on on Friday, and people had hardly time to judge which way they ought to vote, the right hon. Baronet would allow him to put the question to-morrow?

Sir *R. Peel:* Certainly. If the hon. Member had given me notice I should have been able to answer him to-night.

Mr. *Wakley* said, it must truly be very annoying and perplexing to the right hon. Baronet to suffer such questioning. The best way to get rid of it, however, would be to abandon the Income-tax and propose a property-tax.

Subject at an end.

THE CHINESE WAR—HONG KONG.] Mr. *Blewitt* said,he wished to ask a question of great importance to those trading in the Chinese seas. He wished to know whether the Government had made up their minds permanently to occupy the island of Hong Kong.

Sir *R. Peel:* We are still engaged in hostilities with China, and the hon. Gentleman asks me whether the Government have made up their minds to permanently occupy the island of Hong Kong. I must decline to give an answer to such a question.

QUARANTINE.] Dr. *Bowring* rose, according to notice, to move a resolution to the effect, that her Majesty may be graciously pleased to continue the inquiries made in foreign countries as to the efficacy of the Quarantine system, and to carry out any negociations which may have for their object such modifications as are consistent with the public safety and the interests of commerce. Also, to lay on the Table of the House, any correspondence, or extracts of correspondence, which has taken place since the last papers were ordered for presentation. He knew the subject was not of an entertaining or attractive nature, but it was of great importance, and he besought the patience of the House whilst he laid before them the grounds on which he proposed this resolution. A doubt as to the infectious character of plague, had been prevalent for some time previous to 1815, when a committee of the House was appointed to inquire into the allegations of Dr. M'Lean, a physician of eminence, who had written much to prove, that the plague was not infectious, and that quarantine laws were unnecessary and mischievous. That committee reported that it was not advisable to repeal those laws. In 1822, another committee was appointed, which made at least one important concession, that since the year 1665, there had been no instance of infection from plague in England, though plague existed, and was annually reported in the bills of mortality, for very many years after that period. In 1838, the subject was brought before the British Association for the Advancement of Science, and that important body referred it to the medical section, which recommended, that an attempt should be made to induce the Government to appoint a commission for the purpose of prosecuting and completing a thorough investigation of the subject. The question had lately acquired great importance, and when he considered the position of Egypt, which stood midway between this country and its possessions in the East, and that in British India there existed no quarantines or lazarets—no impediment to the communication of travellers, or the conveyance of goods — he thought the fact was strong against the system. There was no difficulty in the way of a person travelling through Egypt to Bombay, Madras, or other parts of India. In the East Indies the opinion was against the doctrine of contagion, and it had never been averred, still less proved, that any evil consequences had resulted from the total absence of quarantine regulations in British India. If you start from Egypt or Turkey, towards the east, there are no lazarets—no impediments to your progress—and no mischief from the absence of those precautions, which the credulity of Europe had provided against the invasion of the plague. Had India suffered in consequence? She was rid of the vexations and the expense of the quarantine system, yet was more secure from the plague than the countries which had imposed upon themselves the burthen of quarantine establishments. The inquiries made in British India led to a conclusion, that the establishment of quarantines was no security whatever against the progress of the plague. He understood, that when the plague appeared in North-Western India a few years ago, a medical commission of five gentlemen was appointed by the Indian Government, who unanimously report against the introduction of lazarets upon our Indian frontier. They were not introduced—the cost and the annoyances were avoided—and their absence instead of an evil, was a positive benefit. Now, if the plague require no lazaret-precautions in the east — if such precautions are both useless and pernicious why should they be employed in the west? It is obvious, that the quarantine system is a great embarrassment to commerce, and that the pecuniary losses caused by it were beyond the power of accurate calculation. But they were enormous. He had heard the annual loss from the quarantine system estimated at between two and three millions, and he believed if the losses in the Mediterranean were added together, they alone would make up that amount. And now look at the absurd consequences of the existing system. If two vessels started from the same port, and one of them occupied two months longer than the other in this voyage, they were subjected to the same quarantine, though it was well known that the longer the vessel was at sea the less was any plague likely to be conveyed by it. But the length of the voyage reckoned as nothing, the quarantine counted from the time of the arrival in port. To the losses occasioned by delay, by fluctuations of markets, by deterioration of cargoes, are added another loss, that of quarantine detention, which, in a variety of cases, was a gratuitous infliction of injury. Every body allowed there was some period beyond which there was no danger from the developement of incipient plague. All our legislation was grounded upon the supposition that after a certain absence from the seat of supposed contagion there was nothing to be feared. Sometimes the distance was great, sometimes it was small, but that consideration was wholly lost sight of when we reckoned the days of quarantine from the time of the arrival in the port of destination, and not from that of departure. He begged to read an extract or two from a letter written by one who was a high authority—Captain Basil Hall, and written at Malta:—

"On the morning of the 7th of this month

(September, 1841), we sailed into Valetta harbour in company with the Vanguard, 80, from Candia. As we were from England we got pratique at once, but the poor Vanguard, though fully as healthy as we were, and coming from a place as healthy, was put into quarantine till the 23rd, that is for seventeen days. In the meantime she had to refit, and within two days after she got pratique she was sent to sea in company with the Indus: the officers and crew of one ship having enjoyed all the advantages of the shore, the others having been kept close prisoners. It is much to the credit of both men and officers, the patience with which they submitted to these severe and totally unnecessary privations. I need not speak of the extreme inconvenience of refitting a ship under quarantine, arising out of the difficulty of getting new stores and returning old ones; but every one knows the irksome delays which are caused thereby, and the consequent retardation of the service. It does not signify to say that this is of little moment just now, for it is impossible to say when the time may arrive when it is important to re-equip our ships smartly. And I can assure you it is bad policy to try the patience of the sailors too long when in sight of the good things of the shore, with no better reason for their detention on board than some fantastic fears of an antiquated Board of Health-office. Rear-Admiral Sir John Ommanney, in command of the Mediterranean fleet, sailed from Corfu on the 19th of last month (August) in company with the Howe and Ganges, and the Cyclops, steam-frigate. The steamer being sent on ahead, arrived on the 23rd at Malta, and was put into quarantine for seven days, that is to say, she got pratique on Sunday the 29th. The admiral arrived on the 26th, and, as a matter of favour, he was subjected to six days' quarantine only. Still it was not till Tuesday, the 31st, that he could land, two days after the junior officer, who had sailed with him at the same hour, was walking about on shore. On Saturday, the 28th of August last, her Majesty's steamship Stromboli sailed from Beyrout, and reached Malta on the 2nd of September. She was placed in quarantine, which lasted eighteen days, including the day of arrival and that on which she got pratique —viz., the 19th instant. Her Majesty's ship Powerful sailed from the same port (Beyrout) within twenty-four hours after the Stromboli, but not having steam to help her, she did not arrive till the 18th at Malta, that is the day before the Stromboli got pratique. The Powerful's eighteen days then commenced, and they will not expire till the 5th of next month (October)! The Powerful had no sick on board, had touched nowhere, and was in all respects as healthy as the Stromboli, and yet, although she sailed within one day of the other ship, she is 'tabooed' for nearly three weeks time after her consort was let out of this terrestrial purgatory! At any time this would have been irksome, but just at the period when it occurred it was attended with great inconvenience to the public service. The Britannia, bearing the admiral's flag, being ordered home, it was necessary to shift the flag into some other ship; for various reasons the Powerful had been assigned for this purpose. Had the admiral himself gone into the new ship, however, he would have been imprisoned, of course; so he went on shore, while his captain went on board, in exchange with the captain of the Powerful, who, by going into the Britannia, necessarily put that ship into quarantine, while the secretary, clerks, and other persons attached to the admiral's staff had to repair on board a steamer, the Gorgon, till the embarrassment caused by all these restrictions should be over. There surely is much tomfoolery in all this, for there seems to be no good reason why a ship of war might not work out her quarantine time at sea as well as in port. It is stated by some, that there are many families supported at Naples, Leghorn, Marseilles, and elsewhere, solely by the salaries derived from the quarantine, and paid for by the unfortunate ships forcibly subjected to its tyranny. If this be true, as I really believe it is, I am convinced it would be money cheaply spent to pension off every soul of these functionaries and their children to the third and fourth generation; for the delays, loss of markets, and the numerous other evils to commerce which attend the system—to say nothing of the intolerable personal annoyance, the absolute imprisonment, the inquisitorial discipline, the smoking, and other mockeries, called, forsooth, purification, are of such number and extent as to render the whole utterly inconsistent with, and even quite repugnant to, the sentiments of the age; and I do earnestly hope, that by patience and perseverance, you will get it done away with. A very intelligent Maltese, high in office here, remarked drily enough to me the other day 'One of two things must happen, either the quarantine laws must be done away with, or the march of intellect must be stopped.'"

The hon. Member then proceeded to read a communication from Sir J. Ommanney, stating many particulars illustrative of the irregularity of the practice respecting quarantine in the ports of the Mediterranean, showing the injury to commerce, the great inconvenience to merchants and other persons frequenting those ports, and proving the tyranny and the frauds which were perpetrated under the pretence of enforcing those laws. The information which he had received upon the subject entitled him to say, that a prodigious number of individuals were employed to carry into effect the laws relating to quarantine, and that their sinister interests operated most materially in maintaining a system which ought long since to have been abolished.

The social position, the opulence, the influence of a great number of public functionaries were intertwined with the maintenance of a state of things at once oppressive, expensive, and unjustifiable. Considerable salaries were paid to the persons so employed, but he must be allowed to say, that he thought exemption from the annoyance of quarantine regulations would be cheaply purchased if the persons to whom he referred were pensioned off to the third and fourth generation. For any purposes of protection against the plague, those people were wholly useless, and there could not be a greater mockery than the modes of purification which they adopted. Fumigation, change of garments, bathing, and various other ceremonies were employed as securities against a disease which if it existed at all, must have possession of the human frame, and certainly not be removable by the removal of vestments, or external transformations of any sort. It was worthy of observation, that in those ports of the Mediterranean which were not under the government of Austria, the regulations were more strict; while in those which were, those regulations had been considerably relaxed; yet there was no reason to believe, that the people in the latter class of ports had found any cause to regret the less stringent practice of their rulers. He hoped and believed, that the opinions which he entertained upon this subject were shared by many hon. Friends of his in that House, and he thought he could confidently appeal to those around him to confirm the views and sentiments which he had thought it his duty to express. He knew, that there were many in that House who could bear testimony to the miseries and the privations to which a despotic, uncontrolled, and most irresponsible power subjected them when visiting ports were those absurd regulations prevailed. Amongst the mischievous absurdities of the system he might notice this, that if a man wanted to proceed from Algiers to Malta, the easiest mode of accomplishing his object would be to go in the first instance to Toulon, and thence take his passage for Malta; because though the British authorities imposed a quarantine on vessels from Algiers, the French allowed them free pratique. From the correspondence which he held in his hand, were he to read the whole of it, the House would see, that even the Government of this country was interested in putting an end to a system clearly interfering with the intercourse subsisting between them and their agents and allies. Official dispatches were opened, perforated with awls, incised by chisels, dipped in vinegar, and subjected to a variety of absurd modes of purification, and at length transmitted to their destination in a mutilated, and scarcely legible condition. There was no doubt that political objects were sought for in the maintenance of quarantine in the east; and it was equally certain that political interests were promoted by them, and that these, and not the health of nations, were the principal motives for the great severity with which the regulations were enforced abroad. See how quarantines and sanatory regulations are trampled on when they interfere with political objects. There is in the Levant correspondence lately published, a letter from Mr. Wood, the British consul at Damascus in the following terms:—

> "Beyrout, October 29, 1840.
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> I hear (says Mr. Wood) that four engineer French officers have disembarked at Acre. To prevent similar occurrences, as also the constant communication of French steamers-of-war with the coast, I have proposed establishing the quarantine, which suggestion having been acceded to, all vessels and passengers arriving from Egypt, will have to perform ten days' quarantine at Beyrout."

Now, here the quarantine was not introduced to keep the plague out of Syria, but simply and solely to prevent the French from communicating with the Syrian coast. As quarantines had been put on, so they had also frequently been put off for political purposes, particularly when the parties favored occupied a high position in society. When Reschid Pasha was at Malta on his way to Europe as ambassador from the Ottoman court, the confinement of the quarantine was found very annoying to his sons; and on application to the governor he did not scruple to violate the quarantine regulations in their favour, and to allow them to disport themselves in a boat in the bay. But when Dr. Holroyd at the same time, applied for the same favour, No, was the governor's answer—if you persist, I must take away the privilege from these Turkish youths, but I can by no means, allow it to you. There was no country which used the prejudices respecting the plague to such an extent as Russia; the quarantine agents throughout the East were political functionaries. They arrested, and released travellers at will. They took possession of all correspondence

—they checked or facilitated commerce according to the passing interests of the moment—they were among her ablest public servants—and in the name of the public health, they introduced a system of universal police and espionage. To serve political objects, the quarantine regulations were made more stringent or more plastic, they were relaxed one day—and tightened another—always having some paramount object in view. The groundwork of all was ignorance—ignorance which is the parent of fear and the ready instrument of cunning. Connected with diseases the superstitions of many nations exceeded all belief. In many countries of the South, it was thought that phthisis was a contagious disease—and all the clothes of those who died of consumption were burnt — that cholera was contagious; yet in this part of the world no one supposed that consumption was communicated by contagion, and certainly the predominant opinion was, that cholera ought not to be considered a contagious malady. It was satisfactory to think, that many of the errors which prevailed on these subjects had, in the more civilized districts of the world, given way to enlightened and rational views, but in other portions of the globe, he regretted to say, that opinions, as ridiculous as they were mischievous, too generally prevailed—opinions as childish as the doctrines of the older physicians, who held that the plague was connected with earthquakes, with celestial menaces, and with circumstances equally remote in their nature from any human malady. The dread of the plague was in proportion to the ignorance and credulity of the people. In the countries where the plague was endemic, it frequently broke out without any communication with infected places. The strangest ideas then prevailed as to the manner in which the infection had been communicated. A child's kite had been supposed, on one occasion, to have been the medium, when a house had been effectually and completely insulated, and it had been observed, that a youth was flying a kite from the roof. Cats and flies were very often charged with the offence. On the Danube, at Orsova, he had heard of pigs that had been supposed to have been inoculated with the plague, for the purpose of communicating the disease to Austrian subjects. One man had been subjeeted to imprisonment for ten days, as a punishment for having bought a fish from a Turk, within the line of quarantine; because the poor fellow was unable to prove that the fish had been caught within the line But he believed that a close examination would show how very little was really to be found from personal contact with persons suffering from the plague. There was a constant stream of travellers through Egypt, to Arabia, yet he never heard of an instance of the plague having been conveyed across the Red Sea. While the plague of 1834-5 desolated Egypt, ten thousand pilgrims passed through that country to the Holy Cities, but no one conveyed, or was ever stated to have conveyed the disease. There were whole districts in Egypt, with which constant, uninterrupted communication was kept up, yet they had never been visited by the plague. That was the case in the Fayoum, though close to the Egyptian capital; and it was remarkable, that though thousands and thousands of boats navigated the Nile the plague had never reached as far as Assuan. When the plague appeared among the armies of Egypt, it always ceased as soon as the troops were removed from the cities into the wilderness. He would beg leave to read to the House a letter which he had received from a medical gentleman at Alexandria, and which he thought would show pretty clearly some of the prevalent errors upon this subject, and at the same time communicate some interesting particulars of late observation. The hon. Member read as follows:—

"Within the walls of Alexandria, in 1841, the total of deaths was 7,017; there were 1,570 cases of plague, of which 405 recovered, and 1,165 died. Of the 1,570 cases of plague which occurred during the year, 1,080 were males, and 490 females. Of these there recovered—males, 375; females, 30; 778 cases were bodies found dead in their dwellings, and consequently had no sort of treatment whatever; and of the 792 remaining, who had some sort of care and attendance bestowed upon them, no less than 407 recovered. There is no return of the proportion of deaths to cases during the different months which can be depended on, but the average rate of mortality may be fairly calculated as two-thirds of those attacked; so that the real mortality of the city, during the month of May, when the plague was at its height, may be calculated thus:—Ordinary deaths, 433; deaths by plague, 353—total, 786. Cases of plague, 515. The inferences to be drawn from these data are, that the season when the plague exists is not necessarily either the most unhealthy, or the most fatal season; it will be seen by the table, that the months of October, November, and December, are productive of as many deaths nearly as the most fatal plague month, and that their average mortality far exceeds that of the other months, when the plague raged with a more limited intenseness, while during the last three months of the year only six cases of plague could be detected."

He could not pass from this part of the subject without observing, that Dr. Laidlaw, an extract from whose letter he had read, was a man who had conferred a great benefit upon society by his steady resistance to the injurious and ignorant prejudices which prevailed on this subject, and whose services would be very valuable in pursuing further investigations. And here he would ask, would it be possible for us and other countries to escape from its perils, considering the manner in which the quarantine system was managed? When people died of the plague in Egypt, their clothes were sold in the public bazaars, without losing anything of their value in consequence of their having belonged to infected persons, nor had he ever heard of a well authenticated case where any evil had arisen from the practice. No one could have been in the east without being convinced of the absurdity of the apprehensions entertained respecting the plague. What security; what real security have we in this country? In a letter from Dr. Laidlaw, he found these words:—

> "I will show the public that, to my knowledge, a certain number of bales of cotton have been shipped for England, which have been taken from stores when the plague was raging: that the plague was on board the ships when it was packed, and that these (some thousands) bales were sent to England; and will then demand if any one of the expurgators of these bales was attacked. I will give the names of the ships, and their captains, and the dates when they left for England, and if after all this, any person is credulous enough to believe in imported infection, he must be quite out of his senses."

So that though such care was taken to guard against the conveyance of infection in a letter, bales of cotton, it would appear, were comparatively harmless. He (Dr. Bowring) had had a communication from a well-known traveller on the northern coast of Africa, who said,—

> "There is a perpetual violation of the quarantine on the southern coast of Spain; of the persons who visit the Barbary Coast, great numbers never think of entering the Spanish lazaretto. Would I be such a fool as to subject myself to imprisonment for weeks, because I have been in Africa for a few days? I never did enter a lazaretto—I never will."

This Gentleman, to his (Dr. Bowring's) knowledge, by the payment of a small fee, was always able to avoid the inconvenience of a quarantine, and that without the least prejudicial consequence either to himself or to the country he belonged to. The hon. Member then quoted the opinion of Dr. Brown, who, 120 years ago, had reprehended the system then in operation, and, as a proof that the plague infection could not be imported, read to the House a case in which a number of bales of cotton were shipped to England from a place where the plague was raging, and no infection had been carried. He then stated, that there was also much evidence to show that the persons employed in the lazarettos had not caught the plague, and quoted the opinion of Dr. Gregson, as confirmatory of that fact. The hon. Member said, he would not trouble the House with further details, believing he had said enough to show that the subject required to be re-opened and re-examined. If it was found, that all the vexation, annoyance, and expense of quarantine could be got rid of without injury to the public health, he hoped the Government would consent to open a communication and set on foot inquiries into a subject which had been too long neglected. The hon. Member concluded by moving his resolution as already given.

Sir *R. Peel* had no objection to offer to the motion. He was prepared to lay the papers desired by him on the Table of the House. He suggested the proper form in which to shape the motion would be an address to her Majesty.

Mr. *Forster* said, that the public, and the commercial world in particular, were greatly indebted to his hon. and learned Friend for the ability and research he had brought to the discussion of this question. As a commercial man, he had long witnessed with regret the inconvenience and sacrifice entailed on the public and on commerce by this absurd system, which he believed to be founded entirely on prejudice and delusion. He trusted, that the time had now arrived when public opinion, aided by science and inquiry, would put an end to the absurdity.

The suggestion of the right hon. Baronet was adopted, and motion agreed to in the form of an address to her Majesty.

THE CHURCH OF SCOTLAND.] Sir *A. L. Hay* considered it his duty to call the attention of the House to the present unfortunate position of the Church of Scotland, and he begged to assure the House, that he did so in no spirit of partisanship, or from any spirit of party—he did it from a sincere feeling that the circumstances which had now existed for some years in that country with which he was so intimately connected were most detrimental to the Established Church, to the people, and, unless they were put an end to, they would tend most eminently to break down the best interests of society. He felt compelled to call the attention of the House to the subject, in consequence of the very unsatisfactory answer given by the right hon. Baronet (Sir R. Peel) in the first week in the Session to the right hon. Gentleman, the Member for Perth (Mr. F. Maule). The right hon. Baronet then said, that it was not his intention to legislate on the subject, or, if he did, he would give ample notice of that intention; nor was he prepared to pledge himself to support any effort at legislation on the part of any hon. Member. Living as he did in the very centre of the heats, the animosities, and the confusion caused by the present state of the law, he could conceive nothing so derogatory to the station to which he had been elevated by his constituents, as to sit down silently when he had an opportunity of bringing the state of that unfortunate Church under the consideration of the House. He was not going to enter into an historical detail of the circumstances which had placed the Established Church in Scotland in her present predicament; but he was prepared with documents to show, that there were persons of great weight in the country, who had expressed themselves with admiration of that establishment—persons who thought it was an establishment worthy of the utmost protection of the law. In the report of a committee of which the right hon. Baronet was a Member, it was stated, that they had in the course of their long and laborious duties,—

> "Become impressed with no feeling so strong as that of veneration and respect for the Established Church of Scotland."

And in the progress of the debate which followed the right hon. Baronet said, he considered that establishment as a most important and useful instrument for propagating true religion, and securing the peace and welfare of society. Now, was that an establishment which ought to be allowed to exist in circumstances that must destroy her usefulness? It was not for him to point out any particular line of duty which the Government or the Legislature ought to adopt; but he would say, that it was necessary, absolutely necessary, that there should be some legislation on the subject, and that without the least delay. Hon. Gentlemen generally might be aware, that the Church in Scotland was established under the 10th of Queen Anne in 1711. That act regulated the manner in which ministers were to be inducted to their parochial charges. That act was carried into execution for many years without question; indeed, until the right of patronage was called in question, and an anti-patronage society was formed in Scotland in 1824. The members belonging to that society increased greatly within the next ten years, and in 1834 the General Assembly of the Church passed what was called the Veto Act, for the purpose of giving the people a voice in the choice of their ministers. That act was wholly inconsistent to, and could not co-exist with the law of Anne, and ever since that year there had been no peace in Scotland. Was it possible that the Government and the Legislature would allow Scotland to remain year after year under circumstances which were tending to shake the very foundations of society, under a state of things in which the people became law-breakers under the sanction, and in the company of their ministers? He was not pressing the question on the attention of the House without being backed by high authority. The Earl of Aberdeen, on March 31st, 1840, said,—

> "It appeared to be so clearly the duty of her Majesty's Ministers to undertake to propose measures to Parliament upon such a question—it was one so immediately affecting the peace and good order of the community, that he took for granted, that the responsible advisers of the Crown would not abandon a duty so imperative."

And again, on the 19th of June, in the same year, he said, in speaking of the case of the Strathbogie ministers,—

> "This is a state of things which he thought justified their Lordships and the country in looking to her Majesty's Government for some interference or redress."

These were strong expressions, and they had fallen from one who was now her Majesty's Secretary for Foreign Affairs. But he had another authority, and it was one whom he could never name without a feeling of deep respect—he alluded to the Duke of Wellington. In the same debate the noble Duke said,—

"That such a state of things ought not to be allowed to exist, and the whole weight and influence of the Government ought to be exercised to put an end to it."

He was fortified then by strong testimony, and he did not think after citing such opinions any blame attached to him for calling the attention of the House to the subject. Many hon. Members present would recollect, that it was in the cause of a presentation to the parish of Auchterarder, that the ecclesiastical and the civil courts first came in collision. That case was long litigated in the civil courts, and upon the question of the temporalities an appeal was had to the House of Lords, where the judgment of the civil court was affirmed. The next case which arose was, that of Marnoch. In that case there was the settlement of a minister against nearly the unanimous wish of the parishioners, without any reference to the act or the orders of the General Assembly. Then followed the deposition of the seven clergymen by the General Assembly for disobedience to the orders of that, the highest ecclesiastical court. The consequence was, that that court conceiving that they had a bounden duty to perform, and according to the ecclesiastical law, appointed ministers to preach the gospel in the seven parishes. Those ministers did not preach in the churches, because the civil courts prevented that, but they preached in other places, to the great scandal of the people. This collision between the civil and ecclesiastical authorities had a tendency to produce upon the minds of the people an effect which they could not but lament. It led to a disregard of the law of the country; men were undecided whether or not they ought to obey the law; and were such a state of things allowed to exist, the worst consequences would ensue. He might be permitted to allude to one circumstance respecting this dispute, which had reference to Dr. Candlish, a minister of Edinburgh, one of the most learned and eminent men in the church of Scotland. That gentleman was on the eve of being appointed to the chair of Biblical Criticism in the University of Edinburgh, when it was discovered that, in conformity with the orders of his ecclesiastical superiors, he had gone into the parish of Huntly, and had there performed divine service in opposition to the interdict of the Court of Session. Dr. Candlish was, compelled to make his election whether he would act in opposition to his ecclesiastical superiors or to the law of the land; he chose to obey the directions of his ecclesiastical superiors, and in consequence of adopting that line of conduct he did not receive his appointment to the chair of Biblical Criticism. Dr. Candlish was, he believed, with the exception of the deposed clergymen, the only person who had suffered punishment—if he might use that term—for his opposition to the civil law in this contest. He thought that this question ought long since to have received the serious attention of Government, with a view to its final decision. He regretted that her Majesty's late advisers had not taken measures for the early settlement of these unfortunate disputes, and he thought they had acted injudiciously in neglecting to do so. He was also of opinion, that it would have been well had the right hon. Baronet now at the head of her Majesty's Government brought this subject under the consideration of the House at an early period of the Session. The next case to which he would call the attention of the House, was one which had recently occurred in the parish of Culsalmond, in the presbytery of Strathbogie. There being a vacancy, Mr. Middleton, a gentleman who had acted as assistant-minister in the parish, was appointed by the patron. The presentation was opposed by the people; but the majority of the presbytery obtained the assistance of the civil power, the sheriff, magistrates, and police officers, and proceeded to the settlement of the presentee. This proceeding took place on the 11th of November last; and a riot was the consequence, of which the church was the principal scene. Information of the occurrence was forwarded to the Home-office, by whom an investigation was directed, which took place on the 21st of December; and the result was, that four persons, including a minister, were committed on the charge of riot, and were now, he believed, on bail to appear before the Court of Justiciary for trial. He thought both parties might be chargeable with acting inconsistently; but he mentioned these facts to show the working of the system which now existed. In the parish of Glass, in the presbytery of Strathbogie, the clergyman had lately died, and the Duke of Richmond, who was the patron, had appointed a Mr. Dubois as his successor. This appointment had been regarded with dissatisfaction by the people, and there was reason to suppose that the settlement of the minister would occasion some commotion. In consequence of this apprehension a number of her Majesty's troops had been removed from Huntly to Glass, a distance of thirty or forty miles, in order to repress any disturbance to which the settlement of the minister might give rise. He was aware that it was necessary that the civil power should be protected; but he would ask if such a state of affairs as this ought to be permitted to continue? The settlement might in this case be accomplished without any popular commotion which might require the interference of the military; but there was no doubt that if Mr. Dubois was inducted he would be deposed by the general assembly, and it was absolutely necessary that it should be decided how far the power of the patron could be controlled by the assembly, or whether he could exercise that power independently of its interference. He himself was the lay patron of two parishes, and certainly, if he should have the opportunity of doing so, he would exercise his right of presentation, and if the General Assembly deemed it their duty to suspend the parties he might present, he would take measures to vindicate his privileges. There were, he believed, at this time seventy parochial ministers in Scotland under the ban of the General Assembly, in consequence of their having opposed the claims advanced by the Assembly in reference to this question. The feelings of the people of Scotland, he could assure the House, were strongly excited on this subject, and they were most anxious to learn what course it was the intention of Government to pursue. He might observe, that the general impression in Scotland was, that when the right hon. Baronet opposite (Sir R. Peel) occupied the post of Secretary of State for the Home Department, he exercised the right of patronage to which he was entitled by virtue of that office in a most judicious and satisfactory manner. As related to the parish of Elgin, which more particularly formed the subject of his motion, he must say that the people, in the appointment of the minister, had not been treated with the consideration that was due to them. When the vacancy was declared as about to take place, four-fifths of the communicants sent him (Sir A. Leith Hay) a memorial, requesting that a particular clergyman might be appointed as their minister. He transmitted the memorial to the Secretary for the Home Department for the time being. Coming to London soon afterwards, he went to the Home-office to ascertain what effect the appeal had produced. He was met by this answer: "We have received your memorial; but there is no vacancy." This was in August last, when the late ministry were on the point of leaving office. The moment that he received this reply he sent to the Tiend's Court in Scotland to ascertain whether the vacancy had taken place or not. It so happened that the clergyman who was to make the vacancy in Elgin had been removed to another parish; and the presbytery, whether by design or otherwise, put off declaring the vacancy until the present Government came into office. The majority of the proprietors of Elgin, and the majority of the town council also, petitioned the Minister of the Crown for the appointment of the same person in whose favour he had previously transmitted the memorial. A short time after the vacancy had been declared, he wrote to ascertain what determination her Majesty's Ministers had come to. He received an answer, stating that they were not prepared to say what step they intended to take. He never subsequently wrote to them upon the subject, believing it would be useless. He heard reports that another person was appointed, and at length it appeared that a person really was appointed—a person wholly unknown to the inhabitants of the parish—a person whom none of them had ever previously seen. This showed a strong determination on the part of the Government not to comply with the wishes of the people. In other parishes appointments had been made in the same manner in direct opposition to the feelings of the inhabitants. In one case the patron of the parish having recommended a person to the right hon. Baronet, he (Sir James Graham) for a long time returned no answer to the letter of the patron, but desired the Presbytery to examine into the character of the individual recommended, and give him information as to his feelings and principles. And what did the right hon. Baronet then do? Before the report of the Presbytery could reach him, the presentation was sent down, but not to the person for whom the patron, or for whom the majority of the parishioners, wished. He found no fault with this step. He did not say that it was not a judicious one. His desire was, that every possible concession should be made to the wishes of the people. He did not stand up for the intrusion of Ministers into parishes, contrary to the religious feelings of the people; and he thought the people of Scotland were competent to judge who should be their spiritual guides. But while he said this, he had no hesitation in adding, that as he had been, so he should continue to be, a strenuous advocate for the support of the law, as long as that law existed on the statute book. But there was no reason why the statute book should continue to retain a law that was inconsistent with the good of the country. It was said, if the statute of Anne were repealed, what would be substituted? and would he place the whole power of the appointment of ministers in the hands of the people without any control whatsoever? His answer was, that he would support no such system, but he would give the people their undoubted right of a voice in the appointment of their Ministers. He had felt it a duty to bring this subject before the House. If the Government thought that the evils of the case would cure or ameliorate themselves—if they thought that, by any possibility, the feelings that had been stirred up in the minds of the people of Scotland would be calmed down and done away with, without legislative interference, they laboured under a grievous error. The question might certainly have been settled two years ago much more easily than it could now. But he had no doubt that a Government so powerful as the present could, if it made the attempt, effect a settlement of the question in a manner correct as regarded the law, equitable with regard to the courts, and judicious and satisfactory in the eyes of the people. If he had not taken the course pursued by him to-night he should have thought that he was not fulfilling his duty; and if the hon. Baronet the Member for the University of Oxford had been present, he should have asked him for his support. He should have asked the hon. Baronet for his support as a means of preventing the foundation of the Church establishment from tottering. He would point out to the hon. Member, that while the Government and the Legislature were looking on at the conflagration, some of the burning embers of discord might fly across the Tweed, and might produce fatal effects in England. He would conclude by entreating the right hon. Baronet to proceed to settle the question boldly, calmly, and firmly—leaning neither to the opinions of the over zealous and presumptuous, nor to those of ultra-liberalism, but to effect a settlement accordant with the dictates of reason, justice, and common sense, and the people of Scotland would be ready to support him. The hon. Member concluded by moving,

"That an humble Address be presented to her Majesty, that she will be graciously pleased to give directions, that there be laid before this House, copies of correspondence in the Home Office since the 1st day of July, 1841, relating to the appointment of a minister to the vacant charge of the parish of Elgin."

Sir *James Graham* assured the House that he never approached any subject with a greater consciousness of the important duty he had to perform, than that to which he was now about to address himself. For he felt that a heavy responsibility rested upon him, lest any thing that fell from him on that occasion, should have the effect of aggravating the mischief, and increasing the danger which unhappily existed in reference to the question which the hon. and gallant Officer had brought under the consideration of the House. He confessed that when the hon. and gallant Officer gave notice of the motion, he had very great doubt as to the course he should probably pursue; for he could not help remembering that upon former occasions he and the gallant Officer had very much agreed in their views upon this subject. He remembered particularly that in 1834, when Sir George Sinclair brought forward his motion, the hon. and gallant Officer was one of the most strenuous opponents of the doctrine then put forward that the appointment of the Minister was in all instances to be governed by the expressed opinion of the majority of the inhabitants. He remembered that on the 9th of June, 1834, the hon. and gallant officer expressed in very strong terms opinions with which he then coincided, and to which he was still disposed to adhere. On the 9th of June, 1834, the hon. and gallant Officer said that he had several petitions entrusted to him to present, all praying that no alteration might take place in the present law of church patronage in Scotland, that he was certain, notwithstanding the outcry raised on the subject, that all the more rational and more numerous portion of the inhabitants of Scotland were not only attached to the Established Church, but also that the way in which the establishment was conducted was most just and satisfactory. That was to say, that after the veto had been passed by the General Assembly, the hon. and gallant Officer was perfectly satisfied with the mode of inducting ministers—with the manner in which the patronage of the church was exercised—with the whole state of the law, and with the way in which it was executed. Upon the present occasion the hon. and gallant Officer had passed a glowing eulogium upon the Church of Scotland. He was not a member of that church; but, from his earliest youth, living near the borders, he had had opportunities of observing the influence of the Scottish church upon the people of Scotland, and he was bound to say that he could never speak of that church but with heartfelt respect. He had seen its ministers content with moderate endowments, active in the daily performance of their parochial duties, and sedulous in the prosecution and advancement of a happy system of parochial education. He thought that parochial duties so performed by an honest and upright ministry, had produced a most salutary influence upon the character, morals, and habits of the people of Scotland, and if he could ascribe to any one cause so general a good, he should say that to that influence might mainly be attributed the high moral and trustworthy character of the people of Scotland, which made them one of the finest races of men to be found in the range of the whole civilized world. He entertained, therefore, towards the Church of Scotland the strongest and warmest feelings of respect. But, at the same time, he was bound to admit that an unhappy division had arisen in its bosom, which had made a rent in the sacred edifice, and he agreed with the hon. and gallant Officer, that it was hardly possible to overstate the degree of danger which would result if the present state of things were allowed to continue. Upon all those points he agreed with the hon. and gallant Officer, but then he must say, having listened with all the attention in his power to the speech of the gallant Officer, that he had never in his life heard an address which gave him less satisfaction. The gallant Officer stated, all the difficulty and danger of the case, said that things could not be allowed to remain as they were, and that it was indispensably necessary that something should be done without the delay of another day. But what course did the hon. and gallant Officer recommend as the best to be pursued? Something he said, must be done consistent with justice to all the parties concerned; something that should produce peace, harmony, and content, in the midst of all the disorders which had sprung up. But what that "something" was to be the hon. and gallant Officer did not give the House the slightest inkling or sight of. The hon. and gallant Officer talked of the late Government, and referring to the speeches made by the Earl of Aberdeen, the Duke of Wellington, and the right hon. Baronet now at the head of the Government, he let drop an expression in which he very much agreed. The hon. and gallant Officer said, that this question might have been settled two years ago much more easily than it could, possibly, be settled at present. In matters of this kind, time, no doubt, was everything. That which it was possible to do in a case two years ago, might, by the lapse of time, be rendered impossible and impracticable in the existing day. The hon. and gallant Officer referred to what the Earl of Aberbeen said; but he omitted altogether to refer to what the Earl of Aberdeen did. The Earl of Aberdeen not only advised the late Administration to attempt to settle this question—not only exhorted them to make an effort for that purpose; but upon their declining to propose any legislative measure, introduced a measure himself with the hope of bringing about a settlement of the question. He must say, that the experiment so made by his noble Friend, was not in its result very encouraging. The Earl of Aberdeen endeavoured so to frame his measure as to satisfy the just expectations of all moderate men. The result, as often happened in moderate councils, where adverse parties entertained strong and violent opinions was, that the moderate party in Scotland turned out to be the weakest, and the measure did not receive support. What was the observation of the Duke of Wellington, when the subject was under discussion in the House of Lords in 1840? The noble Duke said,

> "If moderate councils are attended to, it will not be difficult to settle the question; it is because moderate councils are not attended to that the difficulty arises."

His right hon. Friend now at the head of the Government said, in the same year, that an attempt should be made to settle the question before the end of the Session, and he exhorted her Majesty's Government to make the effort. Finding that the Government declined to do so, his right hon. Friend and himself became parties to the introduction of the bill proposed by the Earl of Aberdeen. That measure, as he had already stated, did not succeed. In the following year, 1841, no advice was pressed upon the Government to interfere in the matter by any legislative enactment. The hon. and gallant Officer now said, that the question was, whether the law was to be obeyed or not, or whether it was to be allowed to remain in a doubtful state. He agreed with the hon. and gallant Officer, that that was the true question to be considered; and it was the firm conviction of her Majesty's Government that the law must in the first instance be obeyed. It was the firm resolution of her Majesty's Government steadily to act upon that principle, and without violence, but with a fixed determination to insist on obedience to the law. The hon. and gallant Officer had made another remark, which was exceedingly apposite, as following the observation he had just made. The hon. and gallant Officer said, that the Veto Act could not co-exist with the act of Anne. It must be borne in mind, that that which was called the Veto Act was not an act of the Legislature. The Ecclesiastical Court of Scotland, some years ago, adopted a form of discipline, popularly called the Veto Act, which had subsequently been declared by the Civil Courts of that country, and by the House of Lords in the last resort, to be illegal. He agreed, therefore, with the hon. and gallant Officer that the Veto Act could not co-exist with the act of Anne. He agreed with the hon. and gallant Officer, that the Veto Act could not co-exist with the law of patronage; and it was the duty of the Government to see that the veto of the General Assembly did not prevail over the law of the land. The hon. and gallant Officer said, that it was necessary to legislate promptly upon the subject, and asked, whether it was the intention of the Government to delay legislating upon it. He begged to ask the hon. and gallant Officer wherein existed the necessity for legislation? He took it, that the law of the land was sufficient to attain all the ends that could possibly result from additional legislation. The veto had been pronounced to be illegal. If there were any doubt upon certain points of the law of the land, they were now in a fair way of being settled. Actions of the greatest importance arising out of this controversy were at the present moment pending in the courts of Scotland; and the decision of those actions, by competent tribunals, would go far to clear up the state of the law, so that if there were any instant of time at which it would be more particularly inappropriate than another to embark in a course of legislation upon the subject it was the present, pending the decision of the questions now in the course of litigation. The hon. and gallant Officer would appear to insinuate, that whilst the Government hesitated as to the course it would pursue in respect to legislation, there was something variable and uncertain in their conduct which had led them into acts of indiscretion and injustice in several particular instances, out of which very serious disturbances had arisen. He could only say, that in all these cases her Majesty's Ministers had acted uniformly upon the principles they had laid down as the rule by which their conduct should be governed upon this subject; in every instance, the regular legal proceedings had been adopted, and all necessary steps taken to prevent a breach of the peace. The hon. and gallant Officer referred particularly to the case of Elgin. He was certainly surprised to hear that the hon. and gallant Officer had any objection to make to the course which her Majesty's Government had pursued with respect to the appointment of the Minister in that case. It appeared, that there was a decided division of opinion in Elgin as to the person who should be appointed to the vacant benefice. That being the case, he acted upon the principle laid down on a former occasion by the hon. and gallant Officer himself, and concurred in by the right hon. Baronet at the head of the Government, and finding that the parishioners were divided as to which of two particular clergymen should be appointed, he appointed neither, and nominated a stranger. That stranger, he was happy to say, notwithstanding the previous heat that had existed, had succeeded in restoring a feeling of harmony to the parish. He was prepared to say, that every effort had been made by the Government during the recess, as before in 1840 by the Earl of Aberdeen, to try whether any declaratory law could be framed, which might satisfy the reasonable expectations, and which might receive the general support, of that portion of the community in Scotland who felt interested in the subject. Having reason, however, to believe that no such measure could in the present temper of the people of that country be produced with any fair prospect of success, the Government had come to the decision, deeply regretting the necessity which had compelled them to do so, that it was at present most advisable for them not to attempt legislating on the question, and that it was incumbent on them to stand by the law of the land as laid down by the civil tribunals of the country. This was the decision which the Government had come to, after having given the subject their best consideration and reflection, and, for his own part, he could not reconcile it with his sense of duty to take any other course. He agreed with what had fallen from the noble Viscount at the head of the late Government. He was prepared to stand by the law of the land, and to defend the opinion of Government on the responsibility of Government, nor could he consent to the delegation of that responsibility to a committee. Believing that the hon. and gallant Officer had brought forward the motion merely that he might have an opportunity of expressing his sentiments on the subject, it was certainly not his intention to assent to the motion.

Mr. *Fox Maule* said, that he also was prepared to stand by the law of the land, but he took a very different view from the right hon. Baronet, of what really was the law of the land in relation to the Church of Scotland. The hon. and gallant Member, in introducing this motion had opened up a wide field, and as Government had intimated their intention of not legislating on the subject, pending the questions before the Court of Session, he was afraid, that the present occasion would be the only opportunity afforded him, during the present Session, of expressing his opinion on this important subject. In entering on the question, he begged to remind the House, that a party in Scotland—since party they chose to call it, but which he denominated the Church of Scotland—maintained, that by the statute-law of Scotland, from 1567 down to the present time, the Church of Scotland, by her Presbyteries, Synods, and General Assembly, possessed a distinct, independent, spiritual jurisdiction, secured to them by various acts of Parliament, and by the Act of Union—a jurisdiction with which neither law nor Parliament could interfere. With the permission of the House, he would very shortly trace the various statutes through which this power had been conferred on the Church. In 1567, the first care of the General Assembly was to secure the establishment of the exclusive ecclesiastical jurisdiction of the Church Courts in spiritual matters, and they addressed certain articles to the Scottish Parliament. One of the articles was to this effect :—

> "That to this our kirk be granted, and by this present Parliament confirmit, sic freesome privilege, jurisdiction, and authoritie, as justly appertains to the true kirk, and that na other face of religion be permittet; and that na jurisdiction ecclesiastical be acknowledgit within this realme, other than that quhilk as sal be within this kirk, or flows frae the same."

This, evidently, formed the basis of the act of 1567, in reference to which he begged the attention of the House to the extract he was about to read. It begins :

> "Anent the article proponet and given in be the kirk to my Lord Regent, &c., anent the jurisdiction justly appertaining to the true kirk, &c."

The enactment is :—

> "The Kingis grace, with auise of my Lord Regent and thre estatis of this present Parliament, hes declarit and grantit jurisdictioun to the said kirk, quhilk consistis and standis in preicheing of the trew word of Jesus Christ, correctioun of maneris, and administratioun of holy sacramentis : and declaris, that there is na other face of kirk, na other face of religioun, than is presentlie by the favour of God establischeit within this realme, and that thair be no other jurisdictioun ecclesiasticall acknawledgeit within this realme, other than that quhilk is and sal be within the same kirk, or that quhilk flowes thairfrae concerning the premisses."

In this manner was the Presbyterian Church first established as the law of the land. The act 1579, in the sixth Parliament of James 6th, repeats the above act; 1581 ratifies and approves all freedoms, whatever privileges or immunities given by his Highness, or his Regent, to the true and holy kirk presently established, and especially enumerates the act of 1567. Then came the act 1592, on which the Church founds her spiritual jurisdiction, and which repeats all the preceding acts relating to the Church. Chap. 116 of that act expressly enacts, with reference to a prior statute, as to the jurisdiction of the King and his courts, that it should—

> "Noways be prejudicial, nor derogate anything to the privilege that God has given to

the spiritual office-bearers of the Church, concerning heads of religion, matters of heresy, excommunication, collation, and deprivation of ministers, or any such like essential censures, specially grounded, and having warrant of the word of God."

It is true, that the same act, when appointing presentations to be directed to Presbyteries—

> "With power to give collation thereupon and to put order to all matters and causes ecclesiastical within their bounds, according to the discipline of the kirk."

Adds this proviso, that they be "bound, as restricted to receive and admit" qualified Ministers presented by the lawful patron. Nor did their ancestors in those days not foresee in establishing such a jurisdiction the possibility that it might interfere with matters of civil right falling under the jurisdiction of the civil courts. The very next statute of that year, cap. 117, enabled the civil courts to give the stipend to the patron, enacting, as it did, that

> "In case the Presbytery refuses to admit any qualified minister presented to them by the patron, it shall be lawful to the patron to retain the whole fruits of the benefice in his own hands."

The case of Auchterarder seemed to be here anticipated, for the statute clearly provided for the independent spiritual jurisdiction of the church to collate and ordain ministers on the one hand, while, on the other, it gave compensation to the patron for the injury which he might sustain in the rejection of his presentee. He thought, that that act fully established the independent jurisdiction of the church, and provided for the collision that had taken place. He might be told, that no case had ever occurred in Scotland, in which the benefice had been separated from the cure of souls, but—

> "In the case of Culross, in 1748, a patron attempted, by bill of advocation, to stop the ordination of another man than his presentee, but the court unanimously 'refused the bill as incompetent.'"

Again, in the case of Dunse, in 1749, an application to a similar effect was made to prevent the moderation of a call at large, with which the court "would not meddle," because

> "That was interfering with the power of ordination, or the internal policy of the church, with which the Lords thought they had nothing to do."

Accordingly, Lord Prestongrange, an able lawyer of that period, acknowledges—

> "There is no law in Scotland, no practice or precedent for an action before the Lords of the Session to compel a Presbytery to ordain the presentee—no *quare impedit* lies against them."

So also, Lord Kames—

> "The person authorised by their sentence, even in opposition to the presentee, is, *de facto*, minister of the parish, and as such, entitled to perform every ministerial function. It belongs, indeed, to the Ecclesiastical Court to provide a parish with a minister, but it belongs to the Civil Court to judge whether that minister be entitled to a stipend, and the Court of Session will find that a minister wrongously settled, has no claim to a stipend."—(Law Tracts, Tract 7.)

It would thus appear, that in 1749, the Court of Session recognised the independent spiritual jurisdiction of the church courts in the collation and ordination, and that all the court could do, when the civil right was interfered with, was to separate the fruits of the benefice from the cure of souls. He must admit, that it would be rather inconvenient to have one man drawing the stipend and another performing the spiritual duties; but such was exactly the state of the law in Scotland. That might be contrary to the notions which hon. Gentlemen opposite held of the establishment, but such was the way in which the question had been dealt with by the authorities of the land. He would just allude to what followed the act 1592. The latter acts of James, who endeavoured to restore prelacy, and the headship of the sovereign, were rescinded by acts 1649; and this act was rescinded by the act of Charles 2nd, 1662, establishing episcopacy. By the act 1689, episcopacy was abolished, and in 1691, the act was passed, which established the Presbyterian religion with all its privileges, and nothing occurred to interfere with this act until the act of Anne, 1711. There never was a law more foully imposed than the act of Anne. When he considered the character of those by whom it was passed, and the manner in which it was passed, he could not help feeling convinced that the opinion, pretty current at the time, had some foundation in fact, that the act of Anne was a deep laid conspiracy to overturn the Protestant religion in the country. That act passed so rapidly through the Commons, that there was scarcely time to communicate with the people in Scotland, in reference to it, and it was only when the bill was before the House of Peers that the general assembly had the opportunity of being heard against it. How was it dealt with in the Lords? Mr. Carstairs, one of the deputed ministers, was heard against the second reading, but the Lords took no time to consider his argument. The bill was read a second time, committed, reported, and read a third time in the same evening. Instead, therefore, of its being a well considered plan for the government of the Church, it appeared to him to be an act of treason and treachery to the people of Scotland, and a direct violation of the treaty of union. He considered that these were the strongest grounds for the repeal of that statute, but he feared that the principle of non-intrusion had now taken such root, that the mere repeal of that act would not prove satisfactory. He for one was not yet prepared to vote for the total abolition of patronage, but he was anxious to see the Veto Act of Assembly of 1834, or something tantamount to it, become the statute law of the land. The right hon. Baronet the Secretary for the Home Department could not, therefore, accuse him of not proposing a remedy. The right hon. Baronet was wrong in supposing that the decision in the Auchterarder case had settled the whole question in dispute. From the decision of Lord Cottenham, the right hon. Baronet might learn that only one-half of the question was decided in that case. But it mainly related to the civil side, and did not touch the spiritual jurisdiction of the church court. It merely decided that the presbytery ought to have taken Mr. Young on his trial. No more. And in consequence of their not having done that, he was entitled by the act 1592, ch. 117, to draw the fruits of the benefice. The question of ordination the church would never consent to refer to any civil tribunal, and in maintaining the spiritual jurisdiction of the church, the General Assembly had no doubt been actuated by a strong sense of duty, and not by any factious motives. Whatever might be done out of doors, he hoped the House would take the views of both sides into their consideration, and, without disparagement to either, judge fairly between them. He regretted, that the Government had not taken up the subject with the bold hand of legislation. How could they expect to tranquillise the public mind of Scotland on this subject by taking the course which they proposed, or how could they yield satisfaction to those who looked for some measure far more extensive than Government were inclined to give. The right hon. Baronet the Secretary for the Home Department stated, that he had had intercourse with various parties during the recess for a settlement of this question. He, believed, that when the right hon. Baronet had fully comprehended the terms of the non-intrusion party, the negotiations were broken off. He would never consent to see the rights of the people transferred to the hands of the clergy; he would rather prefer the absolute patronage of the patron. If they looked back on past times, when the schism took place in 1734, he thought they would perceive the great danger of another schism at the present time. The late Government had not proposed any settlement of the question, but they had studiously consulted the wishes of parishioners in the bestowal of their patronage, and they had only met with one or two difficulties during the time he was Under Secretary of State in the settlement of nearly one hundred vacancies. The right hon. Baronet the Secretary for the Home Department, had alluded to the case of Elgin, and had told the House, that he had followed in the footsteps of the right hon. Baronet the Member for Tamworth in filling up the vacancy. He would take the liberty to contrast the presentation to the same church by the right hon. Baronet the Secretary for the Home Department, with that of the right hon. Baronet the Member for Tamworth in 1824, when he held the office of Secretary of State for the Home Department. He held in his hand a copy of a letter addressed on that occasion by the right hon. Baronet to Colonel Grant. It was to the following effect:—

"Mr. Peel presents his compliments to Colonel Grant, and has the honour of informing him that Mr. Peel must adhere to the decision which he has come to with respect to the church of Elgin. The course pursued on this occasion, has been the same with that which was pursued under similar circumstances in the year 1818. In that year Colonel Grant forwarded an application from the magistrates and the town council of Elgin in behalf of Mr. Gordon, which application was attended to. On the occasion of the late vacancy, a memorial was forwarded to Mr. Peel, signed 'in name and by appointment of the town council of Elgin,' by the Provost, recommending the rev. Alexander Walker. This memorial bears date the 1st July, and up to this day, when he received Colonel Grant's letter; no intimation has been made to Mr. Peel that the proceedings of the town-council were not perfectly regular. In addition to the memorial from the town-council, Mr. Peel received a letter from Lord Fife, in behalf of Mr. Walker, in which Lord Fife stated, that he was chief heritor of the parish of Elgin, and that his family possessed half the parish. Under these circumstances, Mr. Peel conceives it would have been a departure from the principles on which the Crown usually acts in regard to church preferment in Scotland, if the application on behalf Mr. Walker had been rejected. Mr. Peel must add, that he received assurances from very disinterested authority, that Mr. Walker's character was perfectly unexceptionable."

Such was the very creditable way in which the right hon. Baronet had filled the vacancy in 1824; but how had the right hon. Baronet, the Member for Dorchester, proceeded in regard to the same parish? A petition was presented to the right hon. Baronet, signed by three-fourths of the communicants, heads of families, by all the elders, except one, by the magistrates and town-council, by a majority of the burgh proprietors, and by six out of the eight landward heritors of the parish, representing a valued income of 4,682*l.* out of 6,329*l.* All these persons petitioned for Mr. Stewart, but notwithstanding this the right hon. Baronet had given the appointment to Mr. Wylie. How, then, could he be said to have followed in the footsteps of the right hon. Baronet, the Member for Tamworth? The right hon. Baronet, the Secretary for the Home Department said, that Mr. Wylie had been harmoniously received. He was glad to hear of it; but in reference to what had taken place in the parish, he thought that, on the whole, the non-intrusionists were rather to be praised than blamed. He could not tell what would be the result of Mr. Wylie's appointment, but he believed, that the non-intrusionists were about building a new church for the minister of their choice. In regard to what had taken place at Cupar, he must say, that he could not approve of what had been done. Mr. Birrell died suddenly at Cupar, while acting as clerk of the Presbytery meeting, on Tuesday, 1st February. Mr. Birrel was buried on the 7th February, and, on the 8th February, his successor was appointed, contrary to all precedent and to the practice of the Home-office, considering the great excitement existing on the subject. This hurry had left an indelible impression of feeling against the right hon. Gentleman, which he would have been sorry to have incurred. But the right hon. Gentleman's rule seemed to be in no case to attend to the wishes of the parishioners. If the right hon. Gentleman did not hold that opinion, he would be glad if he would give some evidence to the contrary in his public acts, for, with the exception of Locklee, there had been a studious indifference in all cases to public opinion. His hon. and gallant Friend had alluded to several cases, and he said, that if all the cases were examined, the General Assembly and the Commission of the General Assembly would be found to have bowed to every decision of the superior courts in civil cases; they had only differed in those cases where the Civil Court intruded within the pale of the Ecclesiastical Court. He held, that the Ecclesiastical Courts had never interfered with the civil rights, and he was ready to maintain that opinion of the ablest lawyers in Scotland. With these opinions, he could not regret that his hon. Friend had brought forward the motion, though he knew that in the shape in which it stood it could not be granted, the documents moved for not being in possession of the Home-office, because it had given full opportunity for discussion.

Mr. *A. B. Cochrane* said, that this question was one of so much importance, that he wished to trouble the House with a few observations. No man could be so ignorant of the state of the country to which it referred as to imagine that it interested the inhabitants of that part of the empire only; that the sacrifice of the vested interests of the patrons of Scotland would not be fraught with danger to the interests of the patrons in England, or that the Established Church of Scotland could be overthrown without the Church Establishment of England being shaken by the fall. It was immaterial to inquire whether the Church was at first ruled by Bishops or Presbyters, or to allude to the cruelties inflicted on the Church of Scotland by the Episcopal party, or the treasons of the Knoxes or Melvilles of the other. The question here was one of fact and of law, and so it should be looked at. When he heard the hon. Member for Perth quote the Acts of Parliament relating to the question, he (Mr. Cochrane) was curious to see how they could be made to support the opinions he advanced, for having looked most carefully at them himself, he could not but come to the conclusion, that they supported his view of the question, widely different as it was from that of the hon. Member for Perth. It was said, that they declared, that when the majority of congregations objected to a clergyman, that objection was conclusive without an appeal to the Presbytery. The first Act to which it is necessary to allude is that of 1567, which never received the sanction of the Crown; it was passed under the Government of the Regent Murray; it ordained, that the examinations and admissions only were under the control of the members of the Church, but the rights of patrons were strictly reserved. By the Act of 1592, presentations were directed to the Presbytery, with full power to collate, provided they admitted qualified ministers appointed by the patrons; if not, all the profits were to revert to the patrons. Then followed the Act of 1549, which also was passed at a time of rebellion. The Act of 1549 ordained, that the Kirk Session should elect the minister, and intimate their choice to the congregation; if a majority dissented, the presbytery were to judge of the same, and unless they found the dissent to be founded on causeless prejudices, another election was to take place. No absolute veto was given to the people by the Act of 1769, on the contrary, it expressly declares, "that if the presbytery disapprove of their minister, they are to give in their reasons, in order that the affair may be cognosed upon." The authority on which the Church of Scotland relied was their own books of discipline, which never received the sanction of the State. It was said, that although the spirit of what was denominated the "call" was lost, yet the form of it was kept up. But by preserving even the form, the Church of Scotland was acting in opposition to the acts of Parliament. The Act of Queen Anne expressly declaring "that nothing in this act contained shall extend, or be continued to extend to repeal or make void the aforesaid Act of William and Mary, except in so far as relates to the calling or presenting of ministers;" besides, even if such had not been the case, a mere form could be accounted for little; it will be remembered, that until the union with Ireland the English Sovereign was termed king of France, and quartered the royal arms of that country, but no one would on that account urge pretensions to the throne of France. Lord Aberdeen had prepared a bill which gave full power to the members of the Church to make all objections to ministers, only providing that the reasons for refusal should be stated, and that the questions should be first referred to the Presbytery, and from thence to the Supreme Ecclesiastical Court. This bill was rejected by Scotland. He was gratified to hear the determination of the right hon. Baronet, the Secretary for the Home Department, to adhere to the law, for the variances which arose between ministers and congregations were productive of great evil.

Sir, I believe that no one who has paid any attentien to the few observations which I have made, for I have attempted little more than to submit to the House a full statement of the facts of the case, can consider that the course at present pursued by the Church of Scotland is founded upon any law; it is to the law that the patrons appeal, it is by every consideration of justice, of public advantage, that they enforce their claims. The wild pretensions of the Scotch churchmen must at once be overruled, and the Court of General Assembly must learn to respect the majesty of the law. In truth, this is a question which cannot be lightly regarded or carelessly overlooked; you cannot postpone it for future consideration, each moment of delay encreases the evil, and renders the remedy more difficult. In the nineteenth century a Church court has presumed to get itself in opposition to the State, to claim privileges unknown even in the worst periods of ecclesiastical tyranny. Mr. Dryden prophetically observed, that the time would come when

> "The Presbyter puffed up with spiritual pride,
> Should over the necks of the great nobles ride."

But even he never contemplated, that in times of peace and sunshine, the church would dare to over-ride the authority of the law. I, Sir, cannot forget, that it was owing to some of the members of the Church of Scotland that one Sovereign was driven to exile and death, while their descendants commenced that revolution which terminated in the martyrdom of King Charles the 1st. Years have not subdued their fanaticism, time has not served to appease their agitations, it is still carried on in a systematic manner, while every village and hamlet of Scotland is disturbed by conflicting interests, and party strife. It was but yesterday, that taking up a Scotch newspaper, I observed among the advertisements, "*the Anti-patronage Catechism for the Young;*" the circumstance of such a work being advertised for sale may in itself be of little moment, but still it serves to shew the feelings of the country, as a feather will tell how the wind blows. Dr. Chalmers has said a good deal about "peaceful parochial agitation," but I can tell him, that it is this which is ruining his native land, by setting landlord against tenant—minister against congregation. He would do well to remember the words of Lord Clarendon, "That men cannot so easily fix what they have unnecessarily shaken." "The law is to the church what the bridle is to the horse—the price of food and shelter." I would not, however, be understood to express myself in any manner against the doctrines of the Scotch church or its own interior discipline. There is a party still existing in Scotland, who, refusing all inducement, all temporary advantage, have ever remained true to their ancient faith, and worshipped the Lord after the manner of their forefathers. Such are Cameronians, otherwise called, the hills people, and in them we may well esteem the simplicity and unpretending character of their religion. But it is when men, who have sold everything to the patronage system, come forward to overthrow it; when they strike away the hand which has nurtured and protected them, that we cry aloud against ingratitude and deceit, and should determine to compel that obedience which is denied to us. By using energetic measures, by showing a fixed determination to uphold the vested rights and privileges of the Scotish proprietors, we shall find our efforts crowned with success in the destruction of that wanton insolence and inordinate ambition which threatens the religious welfare and moral happiness of the people.

Mr. *A. Campbell* little expected that the first occasion on which he addressed the House he should be compelled most thoroughly to condemn the line of conduct her Majesty's Ministers were about to pursue. The right hon. Baronet had declared in the most emphatic terms that he would enforce the law against the Church of Scotland. He begged leave to tell that right hon. Baronet that he could not do what he had declared he intended to attempt. He defied him to do it. The united voice of Scotland would be against him; and he was convinced that on such a question Scotland would meet with the hearty sympathy of the rest of the empire. He earnestly requested hon. Members to divest themselves of any other feeling than the conviction that the present was a question of national justice. Those who, on the abolition of the Scotch Parliament, had entrusted the Presbyterian Church to the vast majority of Episcopalians in the united Houses, well knew and foresaw what must be the result. With respect to what had been said of such Reformers as Knox and Melville, he begged to assure the hon. Member that those names would be remembered when that of the hon. Member was utterly forgotten. The same hon. Member had said, that the people claimed the veto, and not merely that, but he had had the audacity to add that they claimed it without appeal. [*Cries of "Order."*] He would not, then, use the word audacity; but he would say, that the hon. Member had had the ignorance to assert that there was no appeal. He hoped that the House would excuse his warmth, for the subject excited the strongest feelings in Scotland. Scotch Members, therefore, ought to be borne with while discussing a topic of such vital importance, not only to the people, but actually to the cause of spiritual religion. After the declaration of the right hon. Baronet he felt bound to state his views. As a Conservative he had long held his peace, and had thereby suffered much in the opinion of many of his church friends. It was his hope, until he heard the right hon. Baronet, that a Government which on many occasions had acted so wisely would on this question have seen that their duty lay in the very opposite direction to that which they intended to take.

Mr. *Cochrane* explained what he had meant to say respecting the veto. In 1834 Dr. Chalmers and others changed their views with respect to an appeal to the Presbytery, and the only hold now upon the majority was, that they were to declare that they were not actuated by political motives.

Mr. *A. Campbell* requested the hon. Member to examine the point again; if he did, he would find, that an appeal lay first to the Presbytery, then to the synod of the province, and finally to the General Assembly.

Mr. *Cumming Bruce*, knowing the circumstances connected with the parish of Elgin, felt himself bound to declare, that no conduct could have been more calculated to throw oil on the animosity existing in the breasts of the parishioners, than that pursued by his right hon. Friend the Secretary for the Home Department. The majority of the heads of families, by far the greater number of the most respectable inhabitants, were opposed to the views of the violent non-intrusion party. But his right hon. Friend, seeing that the great-gregations objected to a clergyman, that objection was conclusive without an appeal to the Presbytery. The first Act to which it is necessary to allude is that of 1567, which never received the sanction of the Crown; it was passed under the Government of the Regent Murray; it ordained, that the examinations and admissions only were under the control of the members of the Church, but the rights of patrons were strictly reserved. By the Act of 1592, presentations were directed to the Presbytery, with full power to collate, provided they admitted qualified ministers appointed by the patrons; if not, all the profits were to revert to the patrons. Then followed the Act of 1549, which also was passed at a time of rebellion. The Act of 1549 ordained, that the Kirk Session should elect the minister, and intimate their choice to the congregation; if a majority dissented, the presbytery were to judge of the same, and unless they found the dissent to be founded on causeless prejudices, another election was to take place. No absolute veto was given to the people by the Act of 1769, on the contrary, it expressly declares, "that if the presbytery disapprove of their minister, they are to give in their reasons, in order that the affair may be cognosed upon." The authority on which the Church of Scotland relied was their own books of discipline, which never received the sanction of the State. It was said, that although the spirit of what was denominated the "call" was lost, yet the form of it was kept up. But by preserving even the form, the Church of Scotland was acting in opposition to the acts of Parliament. The Act of Queen Anne expressly declaring "that nothing in this act contained shall extend, or be continued to extend to repeal or make void the aforesaid Act of William and Mary, except in so far as relates to the calling or presenting of ministers;" besides, even if such had not been the case, a mere form could be accounted for little; it will be remembered, that until the union with Ireland the English Sovereign was termed king of France, and quartered the royal arms of that country, but no one would on that account urge pretensions to the throne of France. Lord Aberdeen had prepared a bill which gave full power to the members of the Church to make all objections to ministers, only providing that the reasons for refusal should be stated, and that the questions should be first referred to the Presbytery, and from thence to the Supreme Ecclesiastical Court. This bill was rejected by Scotland. He was gratified to hear the determination of the right hon. Baronet, the Secretary for the Home Department, to adhere to the law, for the variances which arose between ministers and congregations were productive of great evil.

Sir, I believe that no one who has paid any attentien to the few observations which I have made, for I have attempted little more than to submit to the House a full statement of the facts of the case, can consider that the course at present pursued by the Church of Scotland is founded upon any law; it is to the law that the patrons appeal, it is by every consideration of justice, of public advantage, that they enforce their claims. The wild pretensions of the Scotch churchmen must at once be overruled, and the Court of General Assembly must learn to respect the majesty of the law. In truth, this is a question which cannot be lightly regarded or carelessly overlooked; you cannot postpone it for future consideration, each moment of delay encreases the evil, and renders the remedy more difficult. In the nineteenth century a Church court has presumed to get itself in opposition to the State, to claim privileges unknown even in the worst periods of ecclesiastical tyranny. Mr. Dryden prophetically observed, that the time would come when

> "The Presbyter puffed up with spiritual pride,
> Should over the necks of the great nobles ride."

But even he never contemplated, that in times of peace and sunshine, the church would dare to over-ride the authority of the law. I, Sir, cannot forget, that it was owing to some of the members of the Church of Scotland that one Sovereign was driven to exile and death, while their descendants commenced that revolution which terminated in the martyrdom of King Charles the 1st. Years have not subdued their fanaticism, time has not served to appease their agitations, it is still carried on in a systematic manner, while every village and hamlet of Scotland is disturbed by conflicting interests, and party strife. It was but yesterday, that taking up a Scotch newspaper, I observed among the advertisements, "*the Anti-patronage Catechism for the Young;*" the circumstance of such a work being advertised for sale may in itself be of little moment, but still it serves to shew the feelings of the country, as a feather will tell how the wind blows. Dr. Chalmers has said a good deal about "peaceful parochial agitation," but I can tell him, that it is this which is ruining his native land, by setting landlord against tenant—minister against congregation. He would do well to remember the words of Lord Clarendon, "That men cannot so easily fix what they have unnecessarily shaken." "The law is to the church what the bridle is to the horse—the price of food and shelter." I would not, however, be understood to express myself in any manner against the doctrines of the Scotch church or its own interior discipline. There is a party still existing in Scotland, who, refusing all inducement, all temporary advantage, have ever remained true to their ancient faith, and worshipped the Lord after the manner of their forefathers. Such are Cameronians, otherwise called, the hills people, and in them we may well esteem the simplicity and unpretending character of their religion. But it is when men, who have sold everything to the patronage system, come forward to overthrow it; when they strike away the hand which has nurtured and protected them, that we cry aloud against ingratitude and deceit, and should determine to compel that obedience which is denied to us. By using energetic measures, by showing a fixed determination to uphold the vested rights and privileges of the Scotish proprietors, we shall find our efforts crowned with success in the destruction of that wanton insolence and inordinate ambition which threatens the religious welfare and moral happiness of the people.

Mr. *A. Campbell* little expected that the first occasion on which he addressed the House he should be compelled most thoroughly to condemn the line of conduct her Majesty's Ministers were about to pursue. The right hon. Baronet had declared in the most emphatic terms that he would enforce the law against the Church of Scotland. He begged leave to tell that right hon. Baronet that he could not do what he had declared he intended to attempt. He defied him to do it. The united voice of Scotland would be against him; and he was convinced that on such a question Scotland would meet with the hearty sympathy of the rest of the empire. He earnestly requested hon. Members to divest themselves of any other feeling than the conviction that the present was a question of national justice. Those who, on the abolition of the Scotch Parliament, had entrusted the Presbyterian Church to the vast majority of Episcopalians in the united Houses, well knew and foresaw what must be the result. With respect to what had been said of such Reformers as Knox and Melville, he begged to assure the hon. Member that those names would be remembered when that of the hon. Member was utterly forgotten. The same hon. Member had said, that the people claimed the veto, and not merely that, but he had had the audacity to add that they claimed it without appeal. [*Cries of "Order."*] He would not, then, use the word audacity; but he would say, that the hon. Member had had the ignorance to assert that there was no appeal. He hoped that the House would excuse his warmth, for the subject excited the strongest feelings in Scotland. Scotch Members, therefore, ought to be borne with while discussing a topic of such vital importance, not only to the people, but actually to the cause of spiritual religion. After the declaration of the right hon. Baronet he felt bound to state his views. As a Conservative he had long held his peace, and had thereby suffered much in the opinion of many of his church friends. It was his hope, until he heard the right hon. Baronet, that a Government which on many occasions had acted so wisely would on this question have seen that their duty lay in the very opposite direction to that which they intended to take.

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Friend (Sir James Graham), in which he distinctly stated that no political considerations should ever influence his decision in appointing to the crown preferments in Scotland. He regretted to say, that Lord Fife had not acted upon the same principle, and had ultimately signed a requisition, which he at first refused to sign, with reference to the appointment of Mr. Stewart, through a desire to promote the views of some of his political friends in the borough. Had his right hon. Friend appointed the person named by the non-intrusion party, he would have offended a great majority of the parishioners. He had avoided that evil, and appointed a gentleman who he (Mr. Bruce) was happy to say had been received with great unanimity. No attempt had been made to exercise the veto against him, and there was every reason to believe that he would discharge his duty with advantage to the parishioners and the cause of religion. He believed, on the other hand, that political views and motives were discoverable in the conduct of the non-intrusion party, and apprehended that they wished to make the question one merely of a political character. Her majesty's Ministers were blamed for not bringing forward a new law on the subject, but he would ask what encouragement they had received to introduce a new law? Before it could be expected that Ministers would bring forward a new law, it ought to be shown that there was some chance that it would be obeyed. The General Session called upon the Government to pass a new law to enable them to settle this question; but before they did this they ought to have shown the Government that that new law would be obeyed, by their showing obedience to the law as it now stood. What was it that the Church of Scotland now made pretensions to? It was pretended that the ecclesiastical courts were possessed of a power — a power for which he never had heard any pretensions advanced by any reformed church, and only during the ecclesiastical tyranny of the tenth century—that they were possessed of a power to declare what was civil and what was ecclesiastical; and that they alone, and not the civil courts, were empowered to say what the interpretation of the law should be. What did that involve? It involved this—that an unfortunate individual might, on the one hand, be found guilty and punished for the violation of a law as interpreted by the supreme civil tribunal; while, on the other hand, he should be declared guilty of a violation of the same law by an ecclesiastical tribunal, which had, nevertheless, put a totally different interpretation upon it. This was no imaginary evil; for it had actually occurred in the case of the Strathbogie ministers. What had they been punished for? They had been punished by the Ecclesiastical Court with the highest, most cruel and most unjust punishment to which men had ever been subjected. He knew that many Scotchmen were afraid to declare their feelings on this subject. But if he were called upon to conceal his feelings, and his seat depended upon it, he should throw his seat to the winds, and do justice. Seven ministers of the presbytery endeavoured to evade obedience to the law; but, impelled by their consciences and by the declaration of the civil court, they did give effect, and they rendered obedience to the civil law and the statute law of the land as it stood now unrepealed. What happened? The General Assembly of the Church of Scotland, represented by its majority—for, thank God! there was a large portion of that Assembly not affected by this strange infatuation—first suspended those seven ministers from their benefices, and finally deposed them from their sacred functions. And for what? Because they obeyed the civil law of the land, which they were bound by their oaths of allegiance to obey. This was certainly a state of things which ought not to be suffered to exist. He would not trouble the House with any arguments on the subject of the veto law, but would mention one instance to show how it worked. He knew of one parish with a population of 1,700, where the presbytery consisted of six old men, three of whom could not sign their names, and yet they, by the veto law of the General Assembly, had the power to reject the presentation of a person against whose character and attainments not the slightest objection existed, or was made in any of the competent courts. He therefore felt that her Majesty's Government were fully justified in the course they were pursuing; and that before any legislation took place upon the subject, the Church of Scotland must place itself in a position to render legislation of any avail. The hon. Member for Argyll had stated his views with regard to the condition of the Church in 1640. The writers in that period of our history, however, were entirely at issue with the hon. Gentleman. Dr. Chalmers had particularly dwelt on the dreadfully excited state of Scotland at that time, in consequence of religious enthusiasm, and the church feuds in which the then Duke of Argyle had borne so prominent a part. He could not but remark, that it was a rather singular circumstance that the lineal descendant of that nobleman should, at the present time, be also so warmly engaged in the advocacy of one of the parties to the existing dispute. However, he did not at all intend to impugn the motives of the nobleman he had referred to, who, he was convinced, was actuated by motives of the purest patriotism. Whatever might be his opinion on the policy of the matter, he was convinced the noble Duke had no other object in view than the promotion of the welfare of the Church.

Mr. *Duff* wished to say a word as to a charge which the hon. Member who had just sat down had made against the character of his noble relative Lord Fife. The hon. Gentleman had said that Lord Fife had been actuated by political motives in the course which he had pursued with regard to Mr. Stewart. Now he (Mr. Duff) utterly denied the truth of that statement. It was entirely false, and the hon. Member well knew it to be false. [Cries of "*Order*," and "*Chair*."]

The *Speaker* was sure the hon. Member would, on reflection, see that his language was quite unparliamentary.

Mr. *Duff* would at once retract the expression he had used, and begged to express his regret for having so far deviated from the rules of the House. It was well understood, however, in the hon. Member's neighbourhood, that Lord Fife at all times carefully abstained from political interference: and he was sure that the hon. Member well knew that his noble relative would have taken no part whatever in the matter on any political consideration.

Mr. *Cumming Bruce* was quite aware that the hon. Member (Mr. Duff) did not, in using the word "false," intend to accuse him of making a statement which he did not believe to be true. He had made the statement upon authority on which he believed he could rely, that his noble Friend and relative, the Earl of Fife, had refused to sign a statement relative to the case of Mr. Stewart, and that the general impression was, that having so refused, he afterwards did sign it; and that it was believed he had been influenced to do so by a desire to forward the political views of the party to which the noble Lord was himself attached. He (Mr. C. Bruce) had stated this upon authority which he had every reason to believe, and which he did still believe, to be correct.

Motion negatived.

Bonded Corn.] Mr. *Hutt* moved, that the House should resolve itself into committee, to take into consideration a resolution to permit flour, or flour and biscuit to be substituted for foreign wheat secured in warehouses.

Sir *R. Peel* said, the hon. Gentleman had asked him whether he should object to his (Mr. Hutt's) bringing in this bill, and having it printed and circulated throughout the country; to which he replied, that he had no objection, but, at the same time, he had not expressed in the slightest degree any approbation of the measure, or the least concurrence in the opinion of the hon. Gentleman.

The House went into committee. In committee, Mr. Hutt moved the following resolution:—

> "That the chairman be directed to move, That leave be given to bring in a bill to permit flour, or flour and biscuit to be substituted for foreign wheat secured in warehouses."

Resolution agreed to,

The House resumed, resolution reported, and bill ordered to be brought in.

Constitution of the Church of Scotland.] Mr. *A. Campbell* moved for a

> "Select committee to consider the constitution and principles of the Church of Scotland, and to inquire into the causes of the collision between the Supreme Courts of that Church and the Supreme Civil Courts, and to report their observations thereon to the House; with power to send for persons, papers, and records."

He should not occupy the attention of the House for any length of time upon this subject, for the real object which he had in proposing the present motion was, to ascertain the feeling of the House upon it. He would venture to assert, that there were many hon. Gentlemen in that House representing English constituencies, who, notwithstanding the lengthened debate of that night, were still but slightly acquainted with the real merits of this question. He submitted to the House that they could adopt no better mode of getting rid of this difficulty, and of reaching the real merits of the case, than by agreeing to this motion. Such a course would at once put an end to all controversy on the subject, and he had the greater confidence in calling upon the House to adopt this motion, when her Majesty's Government had declared their intention not to introduce any measure upon the subject, asserting that the law of the land was sufficient to meet every difficulty which might arise. He thought, however, that when the courts of law in Scotland were at variance upon the effect of the existing statutes upon this subject, the House would agree with him that the time was come when the interference of Parliament was called for.

Mr. *Cowper* was one of those English Members to whom the hon. Member had referred, and he undoubtedly was free to admit, that he had gained little advantage from the debate of that night. He thought that it was highly desirable that the Government should accede to this motion, not only that what he was sure might be taken to be the prevailing ignorance which existed upon the subject might be removed, but that the whole question should be sifted. It appeared to him that the confidence of the country was wanted in the present law. The law which the Church asserted was said by the Civil Courts to be opposed to the statute law of the land. The General Assembly on the other hand contended, that the law set up by the Civil Courts was opposed to the fundamental laws of the Church, and to the Act of Union. The question of non-intrusion was sufficiently narrow and simple. It was allowed by the Civil Courts that the congregation had a right to reject a minister, But those Courts asserted that reasons must be assigned for the exercise of that right. But, he would ask, was it reasonable that that House which had a right to refuse its confidence to a Minister of the Crown, as he refused his to the right hon. Baronet opposite, was bound to give the Crown such reasons as would satisfy the Sovereign judicially, that the reasons were well founded? It was not sought to take from the patron the power of nominating, but to apply to it such checks as would require them to consult the wishes and the religious feelings of the congregations; and what in fact had been the working of the veto? Amidst all the excitement that had prevailed, out of two hundred and thirty appointments, only seventeen had been vetoed. He thought that if the Government would concede the point of non-intrusion, which the Church had declared to be one of her fundamental points of doctrine, that the question might be easily arranged. As to all claim of the Church to entire freedom from all interference of the civil jurisdiction, he thought that claim unmaintainable; but he thought the Government ought to concede the point of non-intrusion. He should vote for the committee.

Sir *James Graham* said, that the hon. Member who had just spoken had declared that he had no confidence in the Government of the right hon. Baronet (Sir Robert Peel). It was probable, however, that his confidence had been accorded to the Government of the noble Viscount (Viscount Melbourne), who had in the course of the last year quitted office. Viscount Melbourne, when this subject had been under discussion, had declared that he was perfectly satisfied with the law which regulated the Church of Scotland, and after all the discussions upon this question which had taken place, looking at the whole case, and at all the circumstances surrounding it, he (Sir James Graham) and his Colleagues had come to the same conclusion. It was true, that in matters of ecclesiastical law arising in Scotland, the General Assembly was supreme, and that in civil matters the Court of Session was supreme, and that these two courts were at variance upon this subject; but the House of Lords was the court of the last resort, and upon the decision of that House, which had declared the civil tribunal to have given the proper decision, and which had decided that the veto law was inconsistent with the law of the land, he was prepared to rest. Her Majesty's Government thought, that, entertaining this opinion, it was not inconsistent with their duty to resist this motion. But he begged the attention of the House to the form of the motion. It proposed a committee to inquire into the "constitution and principles" of the Church of Scotland. He thought that this was not a time to submit to the decision of a select committee a question involving the whole system of church government in Scotland, but that to accede to such a proposition would be inexpedient and highly dangerous. It was to be observed that it was not an inquiry into any law or any statute which was proposed, nor an investigation into any matter of fact, but the motion was for a committee to inquire into great principles recognised by the Act of Union itself; and therefore he thought that the House would agree with him that this committee should not be granted.

Mr. *Fox Maule* was perfectly able to reconcile the vote he was about to give in favour of the motion, with those Presbyterian feelings to which the right hon. Gentleman had appealed. He had come down to the House rather inclined to vote against the motion, but having heard the instructions of her Majesty's Government, and knowing the committee could only inquire into facts relating to the constitution of the Church of Scotland he should vote in favour of it. They could not give power to any committee to alter the constitution of the church in any way, because that was a power which the legislature itself did not possess. The right hon. Gentleman had alluded to the difference between the power of the Courts Ecclesiastical and Civil. He (Mr. F. Maule) thought it right that the public in England should thoroughly understand what was going on in the North, which they did not understand at present, although the effects of it might soon reach their own firesides. With regard to the Church of Scotland itself, he felt convinced that it was fixed upon such solid foundation that it would emerge from all its difficulties and be more triumphant than it had ever been, even in its brightest days. The right hon. Gentleman had said, that in the Auchterarder case the church had agreed to refer the question of jurisdiction to the House of Lords, and he said, that if the decision had been the other way, they would not have heard about it. The church had referred that question to the House of Lords only for the purpose of determining how far the Court of Law could go with regard to the temporalities of the living, and the moment that was decided to be a matter subject to the cognizance of the Civil Court, the church had succumbed and had directed the Presbytery of Auchterarder, not to take advantage of what had occurred. So far as this had gone they had bowed to the decision of the law, and would do so in all others relating to their civil rights. Then, again, a great deal had been said of the rebellion of the church and of the prosecutions of the seven ministers. Now what had those seven ministers done? Mr. Edwards had been presented by the patron to the living of Strathbogie; personally, he was unexceptionable, but having acted as a political agent in the parish, he certainly ought not to be appointed. The appointment was vetoed, and Mr. Edwards appealed to the Court of Session, to order the Presbytery to admit him, which they had no power to do. What did those seven gentlemen do? Did they appear in court? Did they appear to bow to the authority of the superior Church of Scotland? No such thing. They entered the Civil Courts, and by their own application obtained a decree against them, in order to that which they held to be necessary to their ordination. They could no more compel a Presbyterian to ordain any person, any more than a churchman. These men were ordained, and the commission of General Assembly proceeded to summon them to the court; eighteen months elapsed; every opportunity was given them to make an apology, but they did not adopt that course. The church had been driven from corner to corner by those who ought to protect her. He warned the Government that if they did not legislate on this point they must take the consequences that must ensue from the great confusion that must inevitably result from letting things remain as they were.

Sir *R. Peel* was surprised that the hon. Gentleman had said anything decidedly in support of the motion—and above all, after the time that he had been in office, and in an office so nearly connected with this subject—for a select committee, on the supposition that that would settle the question. It was the opinion of the late Lord Chancellor (Lord Cottingham), expressed on the motion of the Earl of Aberdeen on this subject, that it would be only a fruitless proceeding to attempt to legislate under present circumstances on this question. If, therefore, this was the opinion of the Government to which the right hon. Gentleman belonged in 1840, and if they would not aid and support his noble Friend (the Earl of Aberdeen) in the plan which he proposed, and if they would not adopt or propose a measure of their own, because they thought that, in the then existing temper of the people of Scotland, it was impossible to settle the matter in a satisfactory manner, they might have adopted a proposition for a select committee, if they had thought proper, but they refused to do so. He must, therefore, express his surprise that, after the conduct of the hon. Gentleman on former occasions, and after the doubts which he had expressed in the earlier part of the evening, he should have lent any countenance to the present motion. If a Government wished to evade any difficulties on a question of this kind, or on any other, the best course for it to pursue was to go to a select committee; this was a temporary sort of arrangement, which was befitting a shabby Government. He attached great importance to the settlement of this question; and it was impossible, for too many reasons for him to state, not to do so. He was too deeply interested in the moral and social welfare of Scotland not to feel deeply any matter which must interfere so much with it, for before these unfortunate dissensions had arisen, he had enjoyed communications and feelings of uninterrupted harmony with that country. He apprehended that his right hon. Friend never intended to say, that he was satisfied with the state of things which existed with reference to the Church of Scotland, but that he had stated that, after having opened communications with all parts of the country, the impression in his mind was similar to that which actuated the predecessors in office to the present Government, namely, that there did not exist that feeling in Scotland which was likely to lead to a satisfactory settlement of the question. He would at once state, that, immediately after the present Government had been appointed to office, they took the subject into their consideration with the view to its settlement. As to the suggestion of the hon. Gentleman, that it was desirable that a select committee should be appointed, to allow English gentlemen to obtain information on the subject, he would only observe, that there were ample sources of information without resorting to such a means of obtaining it. If any hon. Gentleman wished to get information on this subject, he might, after reading the full and learned judgments before the Court of Session, and the arguments and judgments in the House of Lords, take up the multitudinous pamphlets written on the subject, and then he believed that he would find ample sources of information. When a similar proposition as the present was made to the noble Viscount the late head of the Government, he did not acquiesce in the proposition, but said that it was for the Government to determine when the time had arrived for legislation, and he distinctly refused to transfer the duties of the Government to a select committee. If the matter was referred to such a tribunal, witnesses would be called up, who would make charges of crimination and recrimination, and the result would only tend to prolong the unfortunate dissensions which now existed in Scotland. If the right hon. Gentleman saw any chance of quieting the disputes in the Scotch church, why not bring in a bill for that purpose? If, in the present temper of Scotland, he saw any opportunity for the adjustment of the question, why not bring in a measure for its settlement? If he thought a bill resting upon just principles would be accepted, would it not be better to bring such a measure forward, and submit it to the temperate discussion of Parliament, rather than bring up the contending parties to London, and enter into long details and counter-statements on either side of the question? He had no other motive in taking the course he was adopting than the settlement of the question. Its settlement would be a relief to Government. He believed that the appointment of a committee could produce no satisfactory result. It would widen instead of healing those breaches which already unhappily existed. He knew that, if he came down to the House and said that he had nothing to propose on the question, but that he hoped the House would assist him by means of a committee in acquiring that information on which he might found a measure, he knew that were he to do so, he would be told that he was not acting as a minister or a statesman ought to act, and he felt, therefore, that as he could not agree to adopt such a course himself, he could not acquiesce in it when proposed by another. He hoped that the House would pause; he hoped that the House would look to the practicable results which could be expected to follow from the adoption of the proposition embodied in the motion before its notice, before it gave that proposition its sanction.

Mr. *Fox Maule* said, that there had existed no reasonable grounds for hoping that any measure which would have the effect of permanently settling the discussion, could be carried through when he was in office.

Mr. *Campbell* said, he would only detain the House while he read five lines of a letter he had received from a clergyman of the Scotch church, proving the interest taken by the people of Scotland in the success of his motion. The letter stated,

> "Your motion is looked forward to with the greatest interest by every friend of the church, and I can only say, God speed you."

This was the alleged dismay with which his motion had been received by the people of Scotland. The party whose cause he advocated did not shun inquiry; they courted investigation, for their cause was the cause of truth. He did not bring forward a bill upon the subject, because he did not believe that it would experience fair treatment. What he wished for was a patient investigation into the merits of the question in the calm of a committee room, and he thought that the agreement of the House to his proposition would be only doing justice to the people of Scotland and to itself.

The House divided — Ayes 62; Noes 139: Majority 77.

List of the Ayes.

Aglionby, H.A.
Baird, W.
Bannerman, A.
Bateson, Sir R.
Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Bulkeley, Sir R. B. W.
Colborne, hn. W. N. R.
Dalrymple, Captain
Duff, J.
Duncan, G.
Dundas, Adm.
Evans, W.
Ferguson, Col.
Ferguson, Sir R. A.
Forster, M.
Gill, T.
Gore, hon. R.
Grey, rt. hon. Sir G.
Harford, S.
Harris, J. Q.
Hastie, A.
Hay, Sir A. L.
Hayes, Sir E.
Heathcoat, J.
Hill, Lord M.
Holdsworth, J.
Howard, hon. H.
Jardine, W.
Johnstone, A.
Jones, Capt.
Mackenzie, T.
M‘Taggart, Sir J.
Mangles, R. D.
Maule, right hon. F.
Mitcalf, H.
Morris, D.
Murray, A.
Napier, Sir C.
O'Brien, W. S.
O'Connell, M. J.
Paget, Lord A.
Pechell, Capt.
Plumridge, Capt.
Power, J.
Rawdon, Col.
Rice, E. R.
Ricardo, J. L.
Scholefield, J.
Smollett, A.
Stansfield, W. R. C.
Stewart, P. M.
Tancred, H. W.
Thornely, T.
Tufnell, H.
Tuite, H. M.
Wakley, T.
Wawn, J. T.
Williams, W.
Wood, B.
Yorke, H. R.

TELLERS.
Campbell, A.
Cowper, Mr.

List of the Noes.

Acland, Sir T. D.
Ackers, I.
Acton, Col.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Bailey, J.
Bailey, J., jun.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Colville, C. R.
Corry, rt. hon. H.
Courtenay, Visct.
Craig, W. G.
Cripps, W.
Crosse, T. B.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Dowdeswell, W.
Drummond, H. H.
Duncombe, hon. A.
Duncombe, hon. O.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Fellowes, E.
Ferrand, W. B.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gordon, Lord F.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hope, G. W.
Horsman, E.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl of
Johnson, W. G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, F. W.
Legh, G. C.
Lennox, Lord A.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Lowther, J. H.
Mackenzie, W. F.
M‘Geachy, F.
Manners, Lord J.
March, Earl of
Martin, C. W.
Mitchell, T. A.
Morgan, O.
Mundy, E. M.
Neville, R.
Newry, Visct.
Nicholl, right hon. J.
Paget, Col.
Palmer, R.
Peel, right hon. Sir R.
Peel, J.
Pigot, Sir R.
Pollock, Sir F.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Rashleigh, W.
Reade, W. M.
Richards, R.
Rushbrooke, Col.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.

Scarlett, hon. R. C.
Scott, hon. F.
Sheppard, T.
Sibthorp, Col.
Somerset, Lord G.
Somerton, Visct.
Stanley, Lord
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Sutton, hon. H. M.
Trollope, Sir J.
Trotter, J.
Turnor, C.
Vere, Sir C. B.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Whitmore, T. C.
Wilbraham, hon. R.B.
Wodehouse, E.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.

TELLERS.
Fremantle, Sir T.
Baring, H.

THE TRUCK SYSTEM.] Mr. *Ferrand* rose, in pursuance of a notice which he had given. He begged to say a few words relative to a declaration which an hon. Member, whom he did not then see in his place, had lately alluded to in that House. The declaration had been stated by that hon. Member to emanate from Manchester, and to be signed by seventy-two manufacturers residing there, who were subscribers to the Anti-Corn-law League, who in that document denied that they had employed the truck system in the payment of the wages of their workpeople, or that they paid them through any other medium than the current coin of the realm. Now he begged distinctly to state, that the hon. Member had been most fully deceived in the representations which had been made with reference to this declaration. Instead of those seventy-two signatures being the signatures of seventy-two manufacturers residing at Manchester, they were the signatures not only not of persons residing at Manchester, but of persons who were many of them not manufacturers at all. The first name on the list was the name of a man who had been proved to have paid his workpeople in milk, and who had also been convicted of gross tyranny towards his workpeople. In that list, too, were the names of five foreigners. Now, what right had those foreigners to come over here and subscribe to a fund which was raised for the purpose of stirring up excitement, setting class against class, and giving support to a party which already was endeavouring to overawe the Government? These persons ought to be aware, that by coming over here and carrying on their business, they were depriving the British merchants of their market; and because our merchants did not wish to dispute the right of these foreigners to pursue their avocations here, therefore they ought to remember the forbearance which was shown, and abstain from proceedings like those with which he charged them. He was quite sure that, if natives of this country went abroad and interfered as these foreigners had done, they would speedily come under the operation of the laws of the countries where they resided, and be obliged to leave. He protested, in the name of the workpeople of the North of England, in the name of justice and decency, against these proceedings. The House, he was sure, would visit with condign punishment persons proved to be guilty of the offences of which he complained, and as he was a living man he would use every effort to see such well-merited punishment inflicted. He begged to read a circular, which was dated "Manchester, March 5, 1842," and was signed "J. Higgins, secretary." The person who signed this letter was the secretary of the branch of the National Anti-Corn-law League established at Manchester, and the circular was forwarded to the members of the League. The letter was as follows:—

> "Dear Sir,—It has been suggested that a declaration by the workmen on each establishment would tend to complete the exposure of Mr. Ferrand's charges; and as a discussion is likely to take place during the early part of the week, it might be well to direct the foremen of works to obtain declarations signed by a few of the men, on behalf of the whole, and to forward them to us at the earliest opportunity."

"Now where are those declarations?" exclaimed the hon. Member. "Have they appeared?—they have not; and what is the reason?—because the working men have at last shown a proper spirit. They have found that there has been a kind feeling expressed towards them in this House—they have, many of them, written to me, telling me so—they have rebelled against the attempt to make them sign what they knew to be false. This I can prove before any committee that may be appointed. They have had too much respect for themselves, and the position they hold, even as poor working men; they would not sign the declarations, which have not, therefore, been presented. And if they had been presented, I should have been ready for you. You cannot move an inch without my being ready to meet you; and in a way, perhaps, you may not be aware of. I have received another letter; listen as I read it, and say if there ever was—in a country professing itself the land of liberty—such a system of fraud and tyranny towards the poor as that which I am exposing. This is from a oor working man:—

"A statement was put into my hands (which I enclose) from one who holds a station in a cotton-mill, which enables him to know that men are compelled to sign declarations known to be false. Your exposures, Sir, have driven the grinding Anti-Corn-law Leaguers frantic, as they know every charge you have brought against them to be true. Your exhibitions of their fraud and tyranny have delighted working men of all politics, for they know how well founded they are; and they have gone far to abolish the infamous truck system, which is so notorious that the only wonder is, how Members can be hardy enough to deny it."

I have a further letter to read, still further exposing this accursed system, which prevails to a frightful extent, and has been carried on by men holding a situation in society which ought to have made them ashamed of such disgraceful proceedings. And I take this opportunity of repeating, that it is my determination fearlessly, in spite of all opposition, to do my utmost to ferret out the whole of this cruel, abominable tyranny, which is practised upon the working classes. I care not by whom—I care not to what party the guilty may belong—I have but one course, a fair and open one, to pursue; that is, to search out with determined resolution, as an independent Member—to search out and expose this system; and when the day comes, after Easter, when I shall move for the committee of inquiry, backed by the enormous mass of evidence which I am daily receiving; and when before that committee there shall come out all the robberies, and plunders, and oppressions which have been and are perpetrated on the manufacturing workmen, the complaints of these unfortunate men will find a response, not only within these walls, but throughout the country. Sir, a magistrate of Lancashire writes to me thus:—

"A friend begs to state a few facts. A great many convictions have taken place in this district within a very short period for a use of the truck system. At one village, where flannels are made, such is the extent to which it is carried, that a man has been known to go to a barber with a piece of candle instead of a penny, not having even that small coin in his possession. It is hoped, that in order to a complete exposure of these practices, a committee of inquiry may be appointed."

I have, Sir, another letter from Chorley, where the hon. Member for Stockport's works are situated, and where he must have known, when the other night he so loudly denied the charges made, that the manufacturers were robbing their men most infamously. The writer says,—

"The magistrates have convicted some of the chief manufacturers here in penalties to the amount of 25*l.* for robbing their work-people by paying them in goods instead of money."

The other night, the hon. Member for Stockport said, he had inquired whether in his mills or "printing works" the truck system prevailed, and that he had found it did not, whereas the fact was, that the hon. Member himself kept cows, and forced his people to buy milk from him. Sir, after the statements I have made, I am sure every one will see the propriety of facilitating the inquiry by furnishing the returns for which I beg to move—

"Copy of all the convictions in the counties of York and Lancaster by magistrates in petty sessions assembled, of persons who have been guilty of illegally paying the wages of their work-people in goods, instead of the current coin of the realm, since the 1st of January, 1835, contrary to the provisions of the Act 1st and 2nd William 4, c. 37.

Motion agreed to.
Adjourned.

HOUSE OF COMMONS,

Wednesday, March 16, 1842.

MINUTES.] BILLS. *Public.*—1°. Public Houses.
2°. Designs Copyright; Copyright.
Private.—2°. Saundersfoot Railway; Saundersfoot Harbour; Liverpool Paving and Sewerage.
3°. and passed:—Bristol Boundary; Stalybridge Gas.

PETITIONS PRESENTED. By Colonel Rawdon, Mr. Aglionby, Mr. Cobden, Dr. Bowring, Mr. Villiers, and Mr. T. Duncombe, from Belfast, Safford, Westbury, Greenock, Haddington, St. Clement's Danes, Lancashire, and other places, for a Repeal of the Corn-laws.—From G. Warr, for Compensation to Corn Inspectors.—By Mr. O'Connell, from Cork, shewing that Cork was the Best Packet Station between the South of England and Ireland; and from Farmers in the county of Meath, in favour of the Importation of Foreign Cattle.—By Mr. J. O'Brien, from Limerick, for Amendment of the Poor Relief (Ireland) Act.—By Colonel Rawdon, from Miltown, and Down, for the Marriages (Ireland) Bill.—By Mr. Brotherton, from Salford, against the Railway Bill.—From the Manchester, Bury, and Bolton Canal and Railway Company, for Alteration of the mode of Charging Duty on Passengers on Railways.—By Mr. Beckett, from Leeds, for Exemption from the Operation of the Borough Improvement Bill.—By Mr. A. Smith, from the Anti-Slavery Society at Hitchin, against the Importation of Hill Coolies to the Mauritius.—By Mr. Shaw, from Rathcormac (County Cork), against the National System of Education in Ireland.—By Mr. Colville, from the Clergy of Derby, for the Equal Rating of Ecclesiastical and Secular Property.—By Mr. C. Baldwin, from several Millers, against the proposed Duty on Foreign Flour.—By Mr. Reade, from Kilkenny, in favour of the Importation of Grain instead of Meal and Flour. —By an hon. Member, from Cordwainer Ward, for Redemption of the Tolls on Waterloo Bridge.—From Wick, for Universel Suffrage.—From the Corporation of Southampton, in favour of County Courts.—From Stratford-upon-Avon, and Nottingham, for Alteration of the Poor-laws.—From Clonolney, for Abolition of the Duty on Foreign Beef.—From Authors, Booksellers, and others, in favour of the Copyright Bill.

THE INCOME TAX—PENSIONS—HER MAJESTY.] Mr. *Milner Gibson* believed that he had the permission of the right hon. Baronet at the head of her Majesty's Government to repeat a question which he had already put. It was, whether it were the intention of Government to extend the Income-tax to persons receiving annuities from the consolidated fund, under the operation of particular acts of Parliament?

Sir *Robert Peel* apprehended that the measure which he had proposed subjected to the Income tax all salaries and all annuities, received by any of the subjects of her Majesty; all incomes, however, paid out of the consolidated fund would be subject to a reduction of the duty of 3 per cent. He would take this opportunity of making a communication, which he was sure would be received with much satisfaction by the House. When, on the part of the Government, he had intimated to her Majesty, that her servants were of opinion that the financial difficulties of the country were such as to make it desirable to submit, although in time of peace, the incomes of her Majesty's subjects for a limited period to a tax of 3 per cent., her Majesty, prompted by those feelings of deep and affectionate interest in the welfare of her people which she had ever manifested, stated to him that if the financial condition of the country was such that, in a time of peace, Parliament should think it necessary to subject all incomes to a certain charge, it was her determination that her own income should be subjected to a similar burden.

Mr. *Ricardo* asked whether incomes derived from terminable annuities would be subjected to the same rate of taxation as income derived from permanent annuities.

Sir *Robert Peel* begged the question might be deferred until Friday, when the subject would come on for discussion regularly. It was not that he had any doubt with reference to the answer which he should give, but it was a most inconvenient course continually to draw the attention of Government to a question not strictly before it.

Subject at an end.

CALEDONIAN CANAL.] Mr. *E. Ellice*, said, that on a previous occasion the right hon. Baronet opposite had stated that it was his intention to submit the report of Sir Edward Parry upon the Caledonial Canal to a committee. Upon looking to the papers of the House, however, he found no notice of any such committee being likely to be appointed. As the recess was drawing near, unless the committee in question should be soon appointed, he feared that the gallant officer's labours would have but a very sorry result. He was afraid that the right hon. Baronet opposite would think that on matters of minor importance such questions were not a little troublesome, but the great anxiety felt in the North of Scotland that the matter should be decided in one way or another warranted him in pressing the matter on the attention of Government. His question was, whether the right hon. Baronet intended to nominate a committee before Easter?

Sir *R. Peel* could assure the hon. Gentleman that he considered the matter to which his question had reference as by no means one of minor importance. He had seen the names of the gentlemen proposed to form the committee upon paper, and he really thought that the notice had been given. He saw no reason why it should not be given for to-morrow.

PRISON DISCIPLINE.] Mr. *O'Connell* wished to make a few remarks on something which had last night fallen from the right hon. Baronet the Secretary for the Home Department, in vindicating the conduct of the rev. Mr. Bagshawe. A demand had been made by a Catholic prisoner for a priest, and the question as to what he wished to have his attendance for was discussed between the gaoler and the chaplain, who came to the resolution that the prisoner wished for the priest to assist him in conducting his defence; the request for his attendance was therefore rejected. On looking over the act of Parliament, he found no such discretionary power, as had been here exercised, entrusted to either chaplain or gaoler. The act stipulated that if a request should be made by a Catholic prisoner for the attendance of a priest, it should be granted. It would, however, appear that the right hon. Baronet had vindicated the conduct of the clergyman alluded to.

Sir *James Graham* said, that, admitting the statute to run as the hon. Member had construed it, yet that the case alluded to did not come within the limits of those provisions which it was alleged had been violated. He understood that the prisoner had refused to comply with the general rules and regulations of the gaol.

Subject at an end.

Charges against Manufacturers—the Truck System.] Mr. *Villiers* said, that not having precisely understood the rule the Speaker had laid down the other evening with respect to persons out of this House noticing what had been said by Members in the House, he wished to know whether in the present case he was in order. If he understood the Speaker, the right hon. Gentleman had said that persons out of the House were not entitled in any statement they might submit to the House to comment upon or answer any charges affecting them made by any Member of the House. The House would remember that the question arose upon certain manufacturers and others in Lancashire, charged with certain practices by the hon. Member for Knaresborough, denying the truth of his statements. Since that time, and late last evening, during his absence from the House, the same hon. Member, as he was informed, had repeated some of the same charges which the hon. Member had uttered before. Now he wished to know whether, as the hon. Member had been suffered to make such statements, he might read the notice of his speech by the woollen manufacturers residing in Yorkshire in the precise places where the hon. Member had brought his accusations, denying everything that the Hon. Member had said with regard to them? He had declarations to this effect now in his hand, and he wished to know if he were precluded by the rules of the House from reading them.

The *Speaker* said, that such a proceeding would be irregular.

Mr. *Villiers* said, they certainly contained a reference to the hon. Member's speech, as the charges were contained in that speech. He wished now to know whether, upon any future occasion, or upon any other motion, he should be allowed to submit them to the House?

The *Speaker* said, that the only way in which such a denial could be made, was either in moving for a committee upon the subject, or in examinations before that committee.

Mr. *Ferrand* said, that if the hon. Member for Wolverhampton would publish to the world the names of the whole of the members of the Anti-Corn-law League, it would soon be discovered who did, and who did not, pursue the truck system.

Mr. *Villiers* said, that the hon. Member must see that he could not give the hon. Member a list of the Anti-Corn-law League. He was not aware who were members of it. He had only received the statements of many of that body denying the statements of the hon. Member, and he certainly had seen no reason to doubt the truth of what they said respecting themselves.

Mr. *Cobden* wished to ask a question of the hon. Member for Knaresborough, with reference to what had fallen from him last night. The hon. Member was reported in the *Times* to have said, "The other night, the Member for Stockport said he had inquired whether, in his mills or 'printing-works,' the truck system prevailed, and that he had found that it did not—whereas, the fact was, that the hon. Member himself kept cows, and forced his people to buy milk from them." He wished to know whether the hon. Member for Knaresborough charged him with the truck system?

Mr. *Ferrand* said, that what he had said was, that he did not know whether the hon. Member for Stockport was in his place, but if he was, would the hon. Member deny that he kept cows, and supplied the people with milk from them, deducting the amount from their wages?

Mr *Cobden*: Does the hon. Member charge me with pursuing the truck-system?

Mr. *Ferrand* had said "Would the hon Member deny it?" If he did, it was his duty to take that denial; but he would give his reasons for having asked the question, and his authority for having done so.

Mr. *Cobden* hoped that the House would give him credit for not wishing to introduce personal discussion into its debates. It seemed to him that the statement which had gone abroad in the "*Times*" as a charge against him was withdrawn. He was not, therefore, directly called upon to answer it, but he would treat it as a charge made against him last night which was not adhered to to-day. If, however, the House would allow him, he would state a few facts in reference to the business with which he was connected. That business could not be carried on without the consumption of large quantities of cow-dung He was now letting the hon. Member for Knaresborough into the arcana of the calico printing trade. As many hundred tons of dung were used in this trade, it was necessary for manufacturers to keep great numbers of cows. Now, it so happened that his printing work being situated close to a town, it was found more convenient to buy the requisite quantity of dung than to keep cows, and therefore the insinuations of the hon. Member for Knaresborough were not only untrue, but destitute of the shadow of a foundation. If the House would allow him, he would remind it that those charges were evidently got up for the purpose of distracting the attention of the public from a great and important question. He must confess that he did not understand how the alleged misconduct of mill-owners and manufacturers could properly form a part of discussions on the Corn-laws. If it was true, as the hon. Member for Knaresborough had stated, that the master manufacturers were tyrants to their workmen, that could be no reason why their sufferings should be added to by increasing the price of food.

Mr. *S. Wortley* rose to order. The hon. Member for Stockport was not in order in entering into the Corn-law question. He should confine himself to the charge brought against him.

The *Speaker* said, that the question before the house was that the order of the day be now read. Hon. Members ought not to wander from it.

Mr. *Cobden* did not feel that he was intruding upon the House. He had tried to avoid personalities. He had borne much from the other side of the House. He had borne it because he knew that the annoyance was part of a system to lead attention away from a great question recently before the House. He was not afraid to meet the hon. Member for Knaresborough on questions of personal character. If this House was to be made an arena for the discussion of questions of social relations between fathers and sons, brothers and sisters, nephews and nieces, masters and servants, or between neighbour and neighbour, he would not be ashamed to enter into such discussion. Nay, he challenged the hon. Member to it. He had always studied to avoid personalities, but if charges were to be made against him he should meet the Gentleman who brought them forward on any ground which he wished. He repeated that such charges were only attempts to divert public attention from a great question. Hon. Members charged manufacturers with being tyrants to their workmen. He did not stand there as an advocate for their indiscriminate defence. There were good and bad mill-owners and manufacturers, as there were good and bad of all classes; but that was no reason for stigmatising them as a class; and even although they were all, without exception, bad, still that, again, was no reason for taxing the poor man's loaf. The great question from which attention was sought to be diverted was that attacking corn and provision monopoly—attacking the monopoly of the people's bread; and, when it was attempted to divert public attention from these grievances, by talking of "devil's dust," and the enormities of the manufacturers, such subjects of discussion were quite unworthy of the House.

Mr. *S. Wortley* said, there was no man in the House more averse to the introduction of personal altercation than he was, but with respect to the charges of the hon. Member for Knaresborough, this must be borne in mind, that when that hon. Gentleman undertook to show that the gentlemen connected with the Anti-Corn-law League were obnoxious to these imputations, he was only following an example set him by the hon. Gentleman opposite. Whatever might be the faults of the hon. Member for Knaresborough, he (Mr. S. Wortley) would at least say—and he thought that the majority of the House would agree with him in the assertion—that charges against his language did not come with very good grace from the hon. Gentleman opposite, who had taken so violent a part in the defence of the league. With respect to the hon. Member for Stockport, could the House forget the language which he had used last Session, while addressing the House upon the agricultural interest? The House would not forget the terms "monsters, and tyrants, and demons," which figured in that speech. [Mr. *Cobden* spoke of their legislation.] He spoke of the agricultural classes collectively; he spoke of the landowners interposing like monsters between the people and their prosperity. And when such language was made use of on that side of the House—when such sentiments were promulgated in other parts of the country—when such violent and rancorous descriptions were given, could the Member for Stockport be so simple as to suppose that abuse of this kind could be made use of by persons in his station without being necessarily followed by retribution—that retribution which had descended upon its author in this House? Whatever might be the justice of the cause the hon. Member for Knaresborough advocated, however severe the criticism which might be made on some of the observations of that Gentleman, he did say that the hon. Member for Stockport was the last person in the world who was justified in attacking the hon. Member.

Viscount *Howick* would have taken no part in the present discussion, had it not been for some remarks which had fallen from the hon. Gentleman who had just sat down. He could not help expressing his surprise, nay, his deep regret, that a gentleman for whom he entertained so much respect should come forward in that House, and endeavour to defend the employment in its debates of those gross personalities which had been, in his opinion, so mischievously introduced. The hon. Member said, that, without pretending to justify the tone of the observations of the hon. Member for Knaresborough—for he was hardly prepared to do that—yet that he was not surprised at them, in consequence of the provocation which the hon. Member for Knaresborough had received from the other side of the House, and particularly on the part of the hon. Member for Stockport. Now he would refer to the speeches made by the hon. Gentleman the Member for Knaresborough, and also to the charges brought against that class of persons interested in land. He agreed with the hon. Member for Stockport in disapproving of those wholesale charges with respect to any class of men; he disapproved of those insinuations which had been thrown out by the Anti-Corn League. He believed that the course adopted by that body had materially injured the cause to which it was attached—the cause of effecting a material improvement in the laws regulating the importation of foreign corn. But he would point out to the hon. Member who had just sat down, and to the House, the manifest differences between charges brought against a class—charges, however improper, affecting their conduct as a public body, and charges applied to individuals pointed out by name, or indicated by allusion—charges applied to particular persons, not only of misconduct, but of gross infraction of the law. He was sure that nothing could be more injurious than the introduction of such topics in that House—nothing so little likely to tend to a calm consideration of the subjects which came before its notice; but he agreed with the hon. Member for Stockport that there was a still greater error on the part of Gentlemen on the other side of the House, when they attempted, by means of personality, to lead away attention from a great measure. He would not have said a word upon the subject had it not been for what had fallen from his hon. Friend opposite; but after having heard the sentiments which he had given utterance to, he found it impossible for him to refrain from expressing the difference which existed between their opinions on the subject. He thought that the personalities which had been used with respect to the manufacturers could not be justified, and could not be palliated, because they were of a different character from those brought against landowners. He trusted that there would be in future an absence of all reference to similar personalities.

Mr. *Ferrand* said, that the House would remember what the hon. Member for Stockport had declared, that the Corn-laws were the cause of the distress of the working classes. During the last recess it had been his lot, and his privilege, to have had many conferences with the working men in his part of the country. He had communed with deputations sent from the West Riding of Yorkshire, and all those persons distinctly stated that the distress was occasioned not by the Corn-laws, but by the tyranny, the oppression, and the plundering of the master manufacturers. He had stood up in his place, and said so; and in this matter he had used the *argumentum ad hominem.* He had done it. He had also been prepared to give evidence in support of his assertions; and though the hon. Member for Stockport had stated that he spoke on anonymous authority, he could prove all he had said, and would prove it when a committee was given him for the purpose.

Mr. *Villiers* said, that he hoped he

House would remember that he had only been precluded by the forms of the House from reading a most complete denial of the hon. Member's statements, coming from Bingley and other places in the hon. Member's immediate neighbourhood.

Subject at an end.

Copyright of Designs.] Mr. *E. Tennent* rose to move the second reading of the bill for consolidating and amending the laws relating to copyright in designs for ornamenting articles of manufacture. It was now the third Session in which he had had the honour to submit a measure on the subject, and as there was a large proportion of the Members of the House who had not had seats in the last Parliament, and consequently were not aware of what had already passed upon the matter, and as some opposition was threatened to the bill, he hoped he would be favoured with the attention of the House for a few moments, whilst he endeavoured very briefly to explain its scope and objects. There were in this and in every other country which aspired to refinement two branches of art, distinct in their application, though essentially identical in their origin — namely, art pre-eminently so called, as in a statue or a picture, where the value of the material was comparatively nothing, and, apart from its beauty, it was applicable to no definable use, and art as applied to decoration upon such substances, and destined to such purposes as combined utility with ornament, and which formed the great staple of the manufactures of Europe. In the encouragement which was afforded to the first of these the law of England exhibited a just and an enlightened generosity, which contrasted most disadvantageously with the scanty and unbecoming protection which it extended to the other. A painter who chooses to engrave one of his drawings can have for it in the form of a print a copyright for twenty-eight years, or for life if he survive that period; but if he permit one of his designs to be printed on cotton or silk instead of paper, his copyright shrinks at once from twenty-eight years to three months. In like manner a sculptor, if he publish a bas-relief upon marble, can claim for it an exclusive title for fourteen years, to be doubled if he live so long; but if he choose to chase it on a cup or a wine cooler, it becomes "a design for manufactures," and is entitled to no more than three years' protection. Any one who looked no farther into the subject than the first inference to be drawn from a distinction so broadly marked, as this would be disposed to conclude, that in the contemplation of the Legislature, art lost its dignity and forfeited its privileges the moment it came into contact with utility, or was applied to the decoration of manufactures; and yet a moment's observation will demonstrate, that it is to the intimate combination of art and design with every branch of our industry, that the manufactures of this country, and still more especially those of the continent, are indebted for their superiority and success. Experience has shown us, that in every country of Europe in which art has been induced and encouraged to blend itself with manufacture, precisely in the proportion to their combination have all their productions which manifest taste and minister to refinement risen into estimation and pre-eminence. In confirmation of this, it is only necessary to look to the appreciation which prevails in every country of the world for the silks of Lyons and the muslins of Alsace; for the bijouterie and jewellery of Paris; the iron castings of Prussia; the glass of Bohemia, and the china of Dresden, Berlin, and Sevres. It was with a view to promote this intimate incorporation of industry and art, of elevating and improving the character of design as applied to articles of manufacture in this country, and thus enabling us still more successfully to compete with our rivals upon the continent of Europe, that he had framed his bill; and it was on this ground alone, that he claimed for it the support and the favour of the House. In every department of industrial art it was incontestable, that the productions of France stood pre-eminently at the head of all the countries of Europe, and the causes of the superiority were to be traced distinctly to two obvious sources; first, the superior training of her artisans in her numerous schools of design; and, secondly, to the encouragement and protection derivable from a law of copyright in their designs, which gave them a remunerative interest in their works for three, five, or fifteen years, and even for life, if they desired it. He knew that there were some Gentlemen in the House, and amongst them the hon. Member for Coventry, who were disposed to question the accuracy of the assertion, that this law and their excellence were the cause and effect; and who ascribed their undoubted superiority to some natural configuration in the artists of France, which had been withheld from the inhabitants of this country—some organs for the special production of designs; as it had been said by some similar materialist,—

> "That Milton had glands in his brain,
> Which secreted the *Paradise Lost.*"

But, however a metaphysical argument may be sustained upon the point, one fact, at least admits neither of a question nor doubt—that, so far from an effectual copyright for designs being prejudicial to manufactures, those of France have attained the very highest point of excellence and of beauty, as well as the most extended demand in every market of the world, concurrently with the enjoyment of the most extended term of protection. The words, too, in which the copyright was conferred in France were very remarkable, as exhibiting the results of practical experience in that country. The first law of copyright in France was passed in 1737, for the silk-weavers of Lyons; and in 1787, it was extended to the rest of the kingdom, in an ordinance of which the following is the preamble:—

> "The King in Council having caused to be laid before him the representation and memorials of the manufacturers of Tours and Lyons, respecting the attacks upon their property and the general interests of manufacturers, by copying their designs, his Majesty recognises that the superiority which the silk manufacture of this kingdom has acquired is principally due to the invention, correctness, and good taste of design; and that the emulation which animates the manufacturers and designers will be annihilated if they are not assured of reaping the fruits of their labours; and that this certainly has hitherto maintained the manufacture in France, and secured for it a preference in foreign countries."

And then follows the enactment of a copyright of designs for fifteen years—a protection which was subsequently extended to the life of the inventor, and applied not only to silk, but to every branch of manufacturing industry, and which had been productive of the most beneficial results throughout the entire range of the manufactures of France. Such is the state of the law on this subject in France; and he would now very briefly state the provisions in this country. Down to the year 1839, the only law of copyright in designs which existed in England was an act of the year 1794, conferring a copyright of three months upon printed calicoes and linens; but no other article, not even woven patterns had any copyright whatsoever, till Mr. Poulett Thomson, in 1839, introduced two bills, by one of which he extended the existing act to printed silks and woollens; and by another he affixed various terms of copyright to numerous other articles, giving a protection of three years to designs in metals, and twelve months to every other branch of manufacture, silk weaving, carpet making, paper hangings, and all other articles in which the value of the patterns forms an essential element in computing the value of the whole. It was Mr. Poulett Thomson's wish in this bill to have given the same protection of twelve months to printed goods as to woven designs; but as his act required that every design should be registered as a condition precedent, and the fee on such registration was fixed at one guinea, the parties, from a dread of the expense, as well as the inconvenience in their expensive operations, begged to be exempted from the operation of the measure till the system should have been tested by experience. Since that period the main suggestions which have been made, and in compliance with which the present bill has been framed, have been to consolidate all the laws upon this subject in one act; to place the manufactures in glass and earthenware, which had but twelve months' copyright upon the same footing as manufactures in metal; to extend the term of copyright for paper-hangings, carpets, and shawls, from one year to three; and lastly, to extend the copyright for printed designs from the original term of three months to nine—a proposition which had met for a time considerable resistance, but to which he was induced to believe, that some of the leading opponents were now disposed to withdraw their opposition. These printed designs are by far the most valuable and important of all to which the act applies, and the law exhibits this indefensible anomaly respecting them, that between the copyright for a design printed upon one piece of silk or muslin, and woven into another, there is a difference of nine months. Nay, further, as it frequently happens, that the same design is both woven into and printed upon the same piece of cloth, it has in one process a protection of twelve months, and in the other only of three; and this, too, whilst the process to which there is the slightest protection is by far the most easily invaded, and requires the most prompt and effectual protection of the two. The opposition to this measure has, as a matter of course been confined almost exclusively to those who have themselves been in the habit of treating the inventions of their more ingenious competitors as public property, and who felt that any effectual law would interfere with these practices. And associated with these were also a few gentlemen, untainted by any dishonourable practices, but conscientiously entertaining some vague and ill-grounded apprehensions for the effect of any change upon the economy of the trade, which have been now in a great degree removed. With the single exception of a few houses in Manchester, every printer in England was in favour of the measure he had now to propose; and an equal unanimity prevailed on the subject both in Scotland and in Ireland, where every individual in the trade, without exception, had petitioned this House to pass the bill. The House, too, would bear in mind that he was seeking to introduce no new principle, but simply to give effect to a well-meant provision, which already existed in the statute law, but which through the lapse of time had become inoperative. For upwards of half a century the principle had been received and acted upon, that some copyright should be provided for designers, and all he now sought was to fix an equitable and reasonable period for its duration, such as would give effect to the intentions of the Legislature. In this course, too, he was fortified by the report of a committee of the House of Commons, which sat in the year 1840, and after a long and laborious investigation came to the conclusion that it was expedient for the interests of the trade, both at home and abroad, that the term of copyright should be extended. He would, if he acted on his own judgment alone, be in favour of extending it from three months to twelve, and thus placing printed designs upon the same footing with woven patterns; but, in deference to the opinions of some whose judgment he respected, and from a desire rather to conciliate than to overrule the prejudices of others, he had adopted the middle term of nine months, which, although it was inadequate for many of the purposes which he sought to provide, was still sufficient for others, and, on the whole, would be a material improvement on the present law. It was somewhat remarkable, that the entire bill, applying to every manufacture in the whole range of British industry, was not only unopposed, but joyfully hailed by all the parties interested, with one single exception, and that on the part of a section of the trade of calico printing; and to that branch alone, he would, therefore, confine the observations which he had to make, in recommending it to the adoption of the House. In this branch of manufactures, a greater number of designs are required, than in any other in England, and for this reason, that in every other department, not only in manufactures in metal but in articles for dress, the material is infinitely more costly and durable, and the uses to which they are applied, more permanent and unchanging. In calicoes and muslins, on the contrary, novelty and beauty are of infinitely more importance than durability and strength, and it is essential to meet the demand of every fluctuating fashion by an endless rotation of new and contrasting designs. To those, therefore, who have not the genius or the capital to provide these for themselves in sufficiently rapid succession, the utmost temptation is held out to appropriate and live upon the inventions of their more talented and enterprising competitors; and thus a disgraceful and demoralizing system of piracy and pilfering has been engendered to which it is the object of this bill to put an effectual check. This will be the more easily understood, when he explained, that a design which might cost its ingenious inventor some 20*l.* or 30*l.*, which it may have taken some months to produce and to engrave, and involved the necessity of many unsuccessful experiments, before it was exactly suited to the cloth, might be copied by the pirate in a few moments, with the aid of a sheet of tracing paper, and produced on inferior cloth, and in inferior colours, so speedily as to enter the market almost simultaneously in competition with the original from which it was stolen. The mischief inflicted upon the original producer by this indefensible system was almost incredible, since its effects were felt in every process of his trade. Not only is he undersold in his own markets, but the character and reputation of his house are undermined by these spurious re-issues of its productions, and the confidence of his customers is shaken by finding these cheap imitations offered in direct competition with the more costly originals in their hands. The pirate, in fact, has infinite inducements to this unlawful traffic; he runs no risk of failure in his speculations, since he selects only the successful patterns of his neighbours, who have to bear the loss on those which are unsuccessful, and not only has he all his designs supplied to him at a trifling cost, but he enters the market at the very moment when they are in full demand, and has thus an instant return for his capital invested. The House, he was quite certain, were not aware of the ruinous extent to which this system was carried on by certain houses at Manchester, which was the only district in the kingdom in which piracy was known to exist. He would read to the House one or two statements with reference to it, from the evidence given before the committee of 1840, which would afford them some idea of its extent and effects. One gentleman of considerable eminence as a calico-printer at Manchester, when examined by the committee, stated unhesitatingly, that for many years of his life, his whole business had consisted of one indiscriminate system of piracy; that he copied of his neighbour's designs, just as many as suited his purpose, sometimes within the period of the three months' copyright, and sometimes after its expiration; that he generally printed his copies upon inferior cloth, and in inferior colours, so as to undersell the original producer and yet leave himself a fair profit; and that he took the precaution to publish his goods "as the act directs," so as actually to claim the original property in the designs he appropriated; and if challenged, he would have defended them as such, though aware of the contrary, and relied on his purse to defeat the injured proprietor. As an instance of the extent to which it was practised in the foreign trade, he begged the attention of the House to the following evidence of an eminent merchant in the city, as given before the committee of 1840:—

"Mr. Louis Lucas.—Is a merchant of the firm of Nicholls, Lucas, and Co., extensive dealers in printed calicoes for foreign export.

"Are you in the habit of having goods printed expressly for yourselves from your own designs?—Yes, frequently, from what is exhibited to us, but this is the nature of our business: we are in the habit of receiving from abroad almost constantly, as the packets arrive, patterns of goods suitable to those markets. We have a branch house at Manchester, and they are sent to it, and we endeavour to find out such calico printers as will produce them at the cheapest rate.

"Irrespective of who may be the proprietor or inventor of the pattern?—We ask no questions upon that subject.

"And you pay no regard to the fact whose property these patterns may be, provided you can get them executed at a price such as may suit the market?—It has never entered into our heads to ask that question.

"Price alone is the object with you?—Price alone is the object.

"Do you purchase largely of printed goods?—We do; in the last six months our shipments must have been 60,000 pieces.

"Are you aware there is a law giving a copyright of three months to designs on printed calicoes?—I have heard so."

This gentleman thinks "nothing more destructive to the commerce of the country could have been suggested" than any extension of the copyright; the effect of it being, that he could then get no printer in Manchester to undertake his peculiar orders. Now, he can take a pattern round the trade till he finds who will do it cheapest; and, he says, "such is the frailty of people," that if the original proprietor wont come down to his terms he can always find a copyist who will. And as for the present protection of three months, he never found it, in his operations, to be an obstacle, "or any protection at all." Mr. Edward Brooke, a printer of furniture calicoes, states that piracy prevails to such an extent in his particular branch of trade, that at one time "every pattern produced by his house" was copied by a rival establishment. Mr. Warwick, belonging to another eminent house in the city, stated that on a recent occasion the entire of his designs, intended for the coming season, were pirated in one batch; the consequence of which was, he says, "ruinous to him, and completely paralyzed his trade." Mr. Henry, of Dublin, declares that his establishment has suffered "to an extent almost beyond telling," by copies of his goods being made for export in Manchester, his best patterns being fastened on for that purpose, and his profit on the remainder destroyed in consequence. In December, 1839, he delivered to one gentleman 700 pieces of goods, consisting of eighty-three different patterns, and in the January following (that is, within one month) copies of the whole eighty-three were brought to the same gentleman, pattern for pattern, worked on inferior cloth, and offered 20 per cent. lower than he (Mr. Henry) could afford to sell them at. In other instances orders actually given had been cancelled before they could be fulfilled, in consequence of piratical copies making their way into the market. He declared that his business, in consequence of this ruinous practice,

"Was almost at a stand-still, that he is never able to effect a second sale of the same pattern, on account of the profusion of copies in the market, and which are thrown in his teeth every time he asks for an order."

He might go on to any extent, citing similar cases from the voluminous mass of evidence taken by the committee, but the examples he had adduced were sufficient to show the prevalence of the evil for which he sought to apply a remedy. The existing law was, in fact, a dead letter; and the delusive protection which it professed to extend was in reality found, as confessed by Mr. Louis Lucas, to be "no protection at all." One striking fact the House will not fail to observe in these proceedings—that this system of plunder takes place within the period of the three months' protection held out by the present law; and they will naturally ask why resort is not had to it for security and redress? The reason of this is obvious: that the terms is so short, and the copyright it confers so valueless, that it is not worth the trouble and cost of appealing to justice for a remedy. The whole duration of the privilege is but twelve or thirteen weeks; of these it requires a few to test the merit and success of a design in the market; a few more must elapse before a piracy can be ready for sale; and then, before an action could be brought to a hearing, what with costs, delay, and trouble, the short remnant of the copyright that would survive would be utterly disproportionate to the expenses of asserting a right in it, and the injured party, aware of the fact, prefers suffering in silence to an appeal to law which would be productive of no real advantage. The failure of the protection is thus ascribable to the shortness of its duration; but if this, instead of three months, were extended to twelve, or even to nine, the injured proprietor of a design would be conscious of such an interest in it as to warrant him in taking steps for its assertion and defence, and dishonesty would no longer be openly practised, as it now is, with utter impunity. This, however, is but one illustration of the manner in which the intention of the law is defeated by its own insufficiency; and in every point of view the same conclusion is inevitable to those who would take the trouble to look at the subject. Even if the rights and property of the inventor were unassailed, the short space of three months was too little to give him an opportunity for reimbursing himself for his outlay and labour. Three months would not insure to him the uninterrupted sale of a single season, summer or winter: whilst the retail trader was deterred from giving large orders for his goods, conscious that the three months were too short to afford him any security of being able to dispose of them, and that at the expiration of that period he might be left with a heavy stock, to be undersold by inferior copies of the very same designs. The necessity, therefore, for extension is as obviously for the interest of the shopkeeper as the manufacturer. Under the most favourable circumstances, therefore, three months is an utterly inadequate protection for the sale of a design in the home market; but its inadequacy is still more palpable in the foreign market and the export trade, where the distance to which goods are sent is so great, that before they can reach their destination, and a letter could return to announce their success, and convey a second order, the copyright would have long before expired, and the order would go, as in the cases stated by Mr. Lucas, not to remunerate the ingenious inventor, but to such of his rivals as would consent to copy his patterns, and undersell him by their reproduction. In fact, Mr. Lucas justifies the system pursued by his own house upon that very ground, and when asked in the committee whether he was aware that the orders he gave were in violation of the law, he at once declared that the orders he received even from the West Indies came from such a distance that the copyright must have expired, and he therefore went to work fearlessly. But another and most valuable branch of the trade of this country consisted of goods which are suitable to both the home and the foreign markets, and sell equally in both; and for these the present law did not hold out even the promise of protection. A very large proportion of the calicoes printed in England are sold in the United States, in Belgium, in Prussia, and in Germany generally, as well as in Italy, and the ports of the Levant, and these articles are equally saleable in England, but at a different season of the year. For the foreign market they must be shipped in October in each year, whilst for the home market they are not delivered till the spring opens—say in February or March. If, then, the manufacturer claims his copyright for them at October, before making his foreign shipment, it will expire in the January following, a month before his home demand begins; and if he prefer to postpone his protection to cover his home sales, the pirates, by procuring a pattern of his goods delivered in October, can legally reproduce and publish them simultaneously with himself, on the opening of the spring season at home. He must, therefore, forego the advantages of the law in one market or the other; or even refuse to supply orders for the one, as his only expedient to secure his copyright in the other. For no one branch of the trade, therefore, is the present law an adequate protection—neither for the home trade, nor the foreign, nor that which sells for both conjointly—whereas the extension which he proposed, would render it effectual and available in each and in all. The injury which resulted from this imperfect state of the law to the manufacturers of this kingdom was so obvious, that he would not occupy unnecessarily the time of the House in alluding to it. But there was another point of view in which the question became one of national importance, and well worthy of the grave consideration of the House of Commons—and that was the permanent effect of such a discouraging system upon the industry of this country, upon the taste and excellence of its productions, upon their character abroad, and upon our prospects of competing in the same productions with our rivals in other countries. In all these branches of manufacture there are two distinct elements which combine to produce success. One is the intellectual invention of the design, the other the cost of the mechanical process by which it is to be applied to the cloth. In the latter of these England is unrivalled. From our mechanical skill, our command of machinery, skill, labour, and power, we can excel all the rest of the world in cheapness of production; but in the other department, in elegance of design, the artists and artizans of France are immeasureably our superiors. In goods of a medium description, where durability and economy are the sole considerations, we supply all the markets of the world, but where elegance is to be sought after, the productions of France, even at double or treble the price of ours, find a steady demand in preference to our own, and are in request in every country in Europe, where there exist taste to appreciate, and money to purchase them. If, then, to cheapness of production, in which we already outrival France, we can add that excellence of design in which she so far outrivals us, we should be enabled, without fear of competition, to enter every market from which British manufactures were not excluded by actual prohibition. But the present state of the law, so far from encouraging artists to apply their genius to the improvement of our manufactures, gives them every practical discouragement, and the result is manifested in their admitted inferiority in all the arts of design as compared with their continental rivals. Not only are artists of high talent unemployed in these pursuits in Great Britain, because the manufacturer, conscious of the ruinous risk which he runs, is afraid to encounter the expense of retaining them in his service, but actually, in instances in which their services have been offered gratuitously, the manufacturer has been compelled to decline accepting them, on the ground, that after incurring a more than usual expense to do justice to their designs in producing them, their superior beauty would only operate as a temptation to the pirate to invade them. Mr. Thomson, of Primrose, in Lancashire, who has been by acclamation admitted to be the first printer in England, in a letter which he has addressed on the subject to the right hon. Baronet at the head of her Majesty's Government, states that, some years ago he was strongly inclined to attempt a particular style in printed furnitures, in which he was disposed to employ the designs of a royal academician, engraved by one of the first artists of the day. But, on conferring with the trade, he was dissuaded from the experiment, as the outlay would have been considerable, the time occupied in its production great, and the period of copyright to cover a sale only three months, after which the whole host of copyists would have been let loose on the patterns, and his remuneration would be lost. Mr. Applegath, of Crayford, in Kent, another most ingenious and successful printer, stated to the committee of 1840, that some time before he had been offered designs for hangings of rooms by Sir David Wilkie and by Mr. Sydney Smirke, the eminent architect, consisting of arabesques and medallions in panel, in imitation of Italian interiors, but he was compelled to refuse them, as it would have been of no use to attempt their production, only to have them copied and vulgarized by the pirate before they could have repaid him for his original outlay; and he added, that if sufficient protection were given to him, by extending the copyright, he would at once produce not only these designs, but attempt new branches of art which had never hitherto been introduced in this country, and employ artists of the first eminence in their designing and execution. But under the present law he had neither encouragement nor remuneration to attempt anything beyond the ordinary and medium description of designs. One effect which has followed as the natural consequence of thus discouraging the ambition of the artists of this country has been to make us not only dependent upon France for the finer articles of manufacture, but even to make us dependent upon her for the very designs which we employ for the decoration of our own. Not only are our printers driven to copy largely from the goods produced on the continent, but a regular trade has been created of exporting designs from Paris for the use of the printers of England; and many of the principal printers of Lancashire are regularly supplied with patterns from Paris, and some have designers there wholly employed in their services—a singular anomaly in manufactures for a country to be actually dependent on its most dangerous rivals for the supply of an article in which it has afterwards to compete with them. But another and most serious disadvantage produced by this system is its effect upon the character and estimation of British goods in foreign markets, where their reputation has suffered incalculably by the copyist, in order to undersell the original producer, sending out his piracies in fugitive colours and upon inferior cloth, instead of in the superior colours, and on the same fine cloth as that he copies from; and foreigners have thus been deterred by the fear of deception from purchasing British printed goods, but take in preference those of France, where each printer is compelled not only to produce his own designs, but, from a regard to his reputation, is constrained to produce them in the most creditable style,—an obligation from which the pirate is exempt, as he has no reputation of his own to uphold, and subsists solely by lowering that of his neighbours. For all those evils which he had been pointing out the remedy in the bill now under consideration would be instant and effectual—it would give the proprietor of a design such an interest in its property as would make him vigilant in its protection; and, by giving him, for a moderate period, an undisputed right to its sale, it would encourage him to make such an outlay, and to employ such talent in its production, as would speedily improve the style and elevate the character of British goods in every market into which they entered; and it would afford better payment and increased employment to designers when every manufacturer would be compelled to rely on the ingenuity of those in his own employment, instead of living upon the inventions of his neighbours. But another and an obvious necessity exists for rendering the existing copyright effective, in order to give effect to the expenditure which the Government are now so laudably making for the establishment and extension of schools of design throughout the kingdom. In order to induce an individual to resort for education to one of these admirable institutions, which we have borrowed from the French, you must hold out to him some assurance of being protected in the exercise of his profession when that education is complete. At present no such assurance can be given, and it is in evidence that the schools of design are neglected to a considerable extent in consequence. Mr. Holdway, who is teacher of a school of design at Edinburgh, stated to the committee of 1840, that the institution was partially unsuccessful hitherto, because parents are reluctant to send their children to be trained as designers, from the uncertainty of finding steady employment for them when qualified to seek it; and Mr. Henry, the eminent calico printer of Dublin, whose sufferings from piracy he had already alluded to, stated in the same committee, that being willing to take a number of boys into his works, and to have them instructed under his own designers, their parents had objected, and entreated to have them taught any other branch in preference, as they understood that all that was wanted in Manchester was a person who could copy other men's designs, but there was no certain demand for artists who could invent for themselves. If, then, you wish to see schools of design successful—if you wish to train up in England a race of English artists and English designers, it is indispensable to establish an effectual copyright—first, to give them some property in the productions of their own genius; and, secondly, to give the manufacturers of this country some encouragement and security to induce them to employ and to remunerate them. He had thus enumerated the principal advantages which he anticipated from the amendment of the law which he had suggested; but they were by no means the whole, since there was scarcely a process or an operation of the trade which would not be more or less affected by it. But having so long trespassed upon the indulgence of the House in dwelling on the advantages of the measure, he would not further presume upon their patience by anticipating the objections which might be expected to be made to it. These its opponents had themselves narrowed to a very circumscribed number, and whatever apprehension they might have at one time felt for the measure as regarded the home trade and its economy, they had now abandoned them all, and professed that their only fear was for the effect which an extension of the copyright might have upon our foreign export. Their argument was this—that although at the present moment there is no law nor any possible means of prohibiting a foreign calico printer from copying an English design, he is practically restrained from doing so by the knowledge that at the expiration of three months the English copyists will be at liberty to export their imitations to his market, but that if the law be so altered as to restrain the English copyist for nine months instead of three, that then our American, German, Swiss, and Belgian, and other rivals, will copy our English patterns for themselves; and thus, to a certain extent, deprive this country of the trade. He believed he stated this very plausible argument with perfect fairness, but it was based upon two most palpable fallacies, which were each easily disposed of. A foreign printer could be induced to copy an English design only by one of two considerations—either that it was a more beautiful one than his own, or that, although less beautiful, he could reproduce it more cheaply than it could be furnished from England. But English designs were admitted on all hands to be so inferior to French, that they were unsaleable in competition with them; and so conscious were the English manufacturers of their inferiority, that they are compelled to copy French designs, in order to make up for the deficiency of their own. What possible object, then, could a continental printer have in copying our inferior patterns? or, what would be more absurd still, in copying our copies of his own? On this ground, then, the argument is unsound. But then it is rejoined, that it is not for these exquisite and elegant designs, which are exclusively consumed by the rich, that any apprehension is felt; but that the danger is for the medium and homely articles, which England now exports in such prodigious quantities for the use of the middle classes in Germany and elsewhere; and that the Germans and Americans and Belgians, despairing of getting these from the English copyist, will reproduce them for themselves, and not only supply their own population, but undermine and undersell us in neutral markets. This argument turns upon the simple question, as economy is here the leading consideration, can the Belgians and Germans, and our other rivals, produce these so cheaply as ourselves? and this inquiry is abundantly satisfied, first, by a reference to their own consciousness of their power to compete with us, as evidenced by their tariffs; and secondly, by the returns of the vast quantities of printed cottons which, in spite of these tariffs, we annually pour into their markets. Now, there are three of the most powerful countries of Europe from which our English calicoes are absolutely prohibited from entering for consumption, namely, France, Russia, and Austria. How absurd would be this prohibition, if those countries felt they could reproduce our goods cheaper than ourselves, and undersell us in their own markets? On the contrary, the consciousness of that inability and of the danger of admitting our goods upon any terms, has compelled them to resort to this indefensible expedient of absolute prohibition and exclusion. But then another quarter in which this danger is apprehended is Prussia, and the states of the German League; but what is the condition of those states as regards this branch of trade? So apprehensive are they of English competition, that throughout all Germany the duty imposed by the tariff of the *Zollverein* on English printed cottons is fifty dollars, or about 7*l.* 10*s.* per cwt., which on medium English goods, worth from 14*s.* to 15*s.* per piece, would amount to 6*s.* each, or upwards of 60 per cent. Yet, in spite of this all but prohibitory duty, our exports to Germany are not only immense, but increasing, and for many years past would on an average amount to no less than 26,000,000 of yards. Surely no serious competition is to be expected from states which, in spite of these duties of 60 per cent, we can thus compel to resort to us for their economical supplies. Again, Belgium has been quoted as a country in which competition is to be apprehended, and some most absurd details have been gone into in proof of it, the utter fallacy of which he would not take up the time of the House by exposing; but the facts connected with its tariff, and its imports of English goods would sufficiently demonstrate the groundlessness of any alarm from Belgian rivalry. The duty imposed by the Belgian tariff amounts to between 25 and 30 per cent. on English medium goods, and yet the amount imported year by year, through the custom-houses alone, exceeds 2,500,000 yards; exclusively of prodigious quantities introduced by contraband across the frontier of Holland. And so far from being able to compete with England, all their printers concur that their cost of production is at least 25 per cent. greater than that of England, which, added to their duty, would make a difference of 50 per cent. in the value of the respective productions of the two countries. As to America, to which we have been in the habit of exporting so largely, the advantage at which we do so, and the little danger which exists of her taking the trade into her own hands by copying our patterns, must be pretty apparent when he told the House that on English goods the present American tariff exacts a duty amounting, with charges, to at least 70 per cent., and that in spite of it all we send her annually cotton goods to the enormous amount of upwards of 35,000,000 yards. These are the chief producing countries of printed goods in the world, and he hoped he had satisfied the House that there existed but little danger of their copying our designs, which were, unfortunately, so far inferior to their own, or of their attempting to take the supply out of our hands, when they could only expect to supply themselves at an increased cost of at least 50 per cent. above the ordinary cost of production in England as compared with themselves. From foreign competition he stated distinctly and advisedly this country has nothing to apprehend if she will be but just to herself, and give, not protection against foreigners, but security to her own artists and artisans against injustice from their own rivals at home. He had only to conclude by thanking the House for the indulgent patience with which they had heard his statement; he had taken this matter up, not as a manufacturer's question, nor a retailer's, nor an exporter's, but as one of national importance, and involving the future prosperity of almost every branch of our national manufactures. These were encumbered and injured by a specific defect, for which he had suggested a specific remedy, and one which he believed would remove the evil complained of. That remedy had been found effectual in other countries, and in other branches in trade in this; an extended copyright had raised the manufactures of France to their present point of excellence; it had been found equally successful in the higher branches of art in England, and his object was to see art, as applied to industry and manufactures, equally honoured and equally encouraged as when exerted for the gratification of abstract taste and the purposes of unproductive luxury. He moved that the bill be now read a second time.

Mr. *W. Williams* had been a member of the committee instituted to inquire into the question, and after considerable attention he had arrived at a conclusion totally opposite to that which the hon. Gentleman who had just sat down had come to. It was rather a remarkable fact, that the hon. Member had allowed two years to elapse between the sitting of the committee and the introduction of the present measure; and he should have inferred therefrom, that the hon. Member thought an alteration in the law not much required. The committees named by hon. Members, it was notorious, were usually constituted with a majority in favour of the views of the proposers. That which sat on the subject before the House, was, in the first instance, favourable to the hon. Member's views, but after sitting thirty-four days, they divided equally, and the hon. Member's own vote carried the report of the committee. One hon. Member of the committee had never been present while the evidence was taken, and only came down when his vote was required in furtherance of the hon. Gentleman's views. It had been stated by experienced witnesses, that there was no such thing as originality in design—that old patterns were perpetually recombined and reproduced. The measure then would be productive of nothing but endless litigation and constant disputes. First, a question in dispute might be referred to two magistrates who could impose penalties between 5*l.* and 30*l.* Next, the party might bring his action for damages. Then the Court of Chancery might be appealed to in a suit which might last twenty-one years—all about, what, perhaps, was not worth 2*s.* 6*d.* The fact was, that originality of invention may be said to have been exhausted, and the production of original new designs could hardly be expected. The great requisite in the calico-printing business was cheapness. Mr. Henry, of Dublin, who had been the cause of the introduction of this bill, had himself adopted for many years the copying system, because he saved the expense of keeping his own pattern drawers, and he also saved in the cost of engraving his rollers for printing, together not less than 1,000*l.* or 1,200*l.* a-year. It had answered Mr. Henry's purpose to copy, as had been stated, in the early part of his career in business, but subsequently he adopted the system of producing his own designs, and now he wanted to have the extended copyright. Where was the morality or honesty of copying from foreigners any more than in copying from our own countrymen? The whole system of pattern making was not the forming patterns on original ideas, but the combining them from existing designs. The passing of such a measure as this would create a system of copying English patterns on the part of foreigners, and establishments would be formed in foreign countries for that express purpose. At present the trade in this country principally depended upon the perpetual production of new patterns, as a large manufacturer had stated. There was no truth in the representation of the extent to which competition was carried by France, which did not produce one-third of the quantity manufactured in this country, and the superiority of France in designing was entirely to be attributed to the establishment of schools of design by the Government. From the evidence to which he had so often referred, it appeared, that one manufacturer, who produced as many as 500 patterns annually, had only one of that number copied. On the various grounds, then, which he had stated to the House, he was prepared to contend, that they could obtain no exact information as to what did and what did not constitute an original pattern; for it clearly appeared, that practical men did not know, as they stated, the whole system of designing what were called new patterns was only a new arrangement of objects taken from old patterns. He apprehended, more over, that the bill as it then stood would give rise to endless litigation, and, in his judgment, it was not possible for that House to act upon a principle more injurious to the well being of trade than the principle of interference. The persons who were themselves engaged in trade must be the best judges of their own interest, and they were at all times opposed to interference. The late Sir Robert Peel was long a Member of that House, and naturally possessed great influence, yet he never thought of proposing any such measure. Other eminent men connected with the trade possessed similar opportunities, but never thought of taking advantage of them for such purposes. He believed there were not twenty Members in that House who possessed the knowledge requisite to legislate on the subject before them. Surely the House would pause before they adopted such a change, unless a very strong case were made out, and the case laid before the committee was anything but a strong case. For his part, he had resolved to oppose the measure to the utmost of his power.

Lord *F. Egerton* observed, that no matter by whom the proposition had been originated, the adoption would be, he was sure, received as a great public benefit. He entertained much respect for the opinions of those who were practically engaged in the business which the proposed measure was intended to affect; and representing, as he did, a county in which there were so many manufacturers, he should feel bound to defer to the opinions of his constituents, if they were unanimous, or even nearly so, in opposing the views which he entertained. He found, out of 179 firms, there were only 36 opposed to the bill, either in its principles or its details. In Manchester, 48 firms were favourable, and only 36 adverse. The superiority of France, in the art of design, was universally acknowledged, and that superiority must clearly proceed, in part, at least, from the superior education which the French received. It was an interesting fact, that the present Government had resolved to devote a considerable sum to the purposes of education, and that they proposed to assign to Manchester some portion of the sum to be so applied. They intended, of course, to act upon the wise principle of not giving more than an amount equal to that raised from local sources. Now, he could not doubt, that the people of Manchester would readily agree to raise a sum of 150*l.* a-year. He therefore, would give his support to the bill, and was confirmed in doing so, by having received letters from several manufacturers showing the great necessity that existed for the protection which this measure was intended to afford.

Mr. *Sheil* was in favour of the principle of extending the period of copyright, but not to so long a period as nine months. He thought six months would be sufficient. He thought it very questionable whether the machinery of registration would be found to work in a satisfactory manner. No doubt, as far as was consistent with the public interest, the period of protection ought to be extended; but in a speech made by the right hon. Baronet, the Member for Tamworth, on the 5th of February, 1840, the right hon. Baronet had urged the necessity of having the evidence of some practical men on the subject, adding, that he found great difficulty in saying whether there ought to be an extension, and also in saying, what that period ought to be. Now, certainly he derived very little information from the committee. The hon. Member for Belfast said, that Ireland was unanimous. Very probably so, seeing there was only one firm to express its opinion, Manchester, however, was the place they must go to. There he found forty-eight firms for the extension, and thirty-six against it. That was, at all events, a considerable minority, and one that ought to be taken into account, though he admitted that their opinion was not conclusive. Mr. Potter, a witness referred to by the hon. Member for Coventry, was in favour of the principle of extension; and yet Mr. Potter admitted, that the majority of the greatest producers were opposed to it. [The right hon. Gentleman read extracts from the evidence of Mr. Potter and of other witnesses before the committee, to show, that the great producers were generally opposed to the extension of the copyright, while the producers of the finer descriptions of goods were in favour of it.] Another class, whose interests were deserving of consideration, were the retailers. If the present bill were carried, a bill of injunction, with all its attendant expenses, would lie not only against the original pirate, but also against some hundreds of retailers. This was a strong motive for retailers to oppose the bill, and accordingly he was not surprised to find that almost all the retailers of Manchester were against it. [Mr. *E. Tennent:* "No. no!"] The hon. Gentleman seemed to think he had mis-stated the fact, but he would refer him to the evidence of Mr. Kershaw, to show, that the retailers were opposed to the measure.

Mr. *E. Tennent* said, he had not attributed any mis-statement to the right hon. Gentleman, but he would refer him to the petitions on the Table from retailers in support of the bill.

Mr. *Sheil* said, that the evidence before the committee bore out his view of the case; still that would certainly be a very insufficient ground for refusing the extension. An unfair attack had been made upon Mr. Lucas. That gentleman never took goods that had been copied till the three months fixed by law had passed, and therefore he ought not to be called a pirate. Supposing the present bill was passed, it would surely be unfair to describe those as pirates who adopted the designs of others after the extended period of protection had expired. The present law had been made perpetual in 1794, and since then there had been no change, and yet trade had prospered in a remarkable degree. But if there must be an extension, six months would be sufficient. There was evidence to prove, that six months would be amply sufficient for the home market, and for the Dutch, German, and Belgian markets, though perhaps not sufficient for the Italian market; but if six months sufficed for the home market, and for so many of the most important foreign markets, he thought they ought to pause before they granted more. He had three reasons for withholding his consent from the extension now asked for. In the first place, it would put a restraint on English copyists, but not on foreign copyists; it would give a monopoly to English inventors in the home market, but would lay no restraint on French and German copyists. In the next place, by enhancing the value of a copyright, it would furnish additional incentives to piracy, and by making a copyright worth litigating, the foundation would be laid for an immense deal of litigation. In the third place, an extension to nine months would materially affect the facility with which mercantile operations ought to be carried on. The right hon. Member for Tamworth had expressed a doubt of the policy of registration, and he entertained the same doubt. The system was to be borrowed from France; but in France there were fifty-eight officers for registration, while in England it was proposed to have only one. Now, there were individual manufacturers who produced 500 designs in a year. Were they all to be registered? He doubted also very much whether the registering officer was a fit person to decide whether a design was original or not. It was not to the extended protection to designs that France was indebted for her superiority in that respect, but to her splendid collection of the fine arts, and to the free admission of the public to those collections. By those collections the public taste was cultivated, and a sense of the beautiful diffused. Still the manufactures of this country had prospered; but their extension had been owing, not to the beauty of designs, but to the cheapness of the fabric; and they ought to be careful not to endanger the commerce of the country by doing any thing to lessen that cheapness.

Dr. *Bowring* did not object to the object of this bill; but he thought it would prove inefficient to accomplish the purpose for which it was designed. The aim of the bill was to protect inventions in design, but the bill did not define what should be considered inventions. It was proposed by this measure to vest the right of adjudication in cases of dispute as to the infringement of designs in justices of the peace, who, he conceived, were certainly not the best qualified judges to decide on such a subject. In France the decision of such questions was committed to a council of *prud'-hommes*, which sat daily, and redress was easily obtained, and the working of the system was most efficient. If the hon. Gentleman who proposed this bill would endeavour to create a proper tribunal to decide upon what really were inventions in designs—if he could appoint an economical and efficient system of registration, and establish an easy and effectual mode of obtaining redress when designs had been pirated, he would confer great benefit on society. The present bill, he feared, would only lead to litigation and embarrassment, and would fail to effect the object which it was the design of the hon. Gentleman to accomplish.

Mr. *Mark Philips* said, that in considering the subject, he was actuated only by a desire to come to a sound and just conclusion. He thought there was a great deal of difficulty as to the definition of what was really an original design, for a person went to Paris and purchased a design, and then entering it in this country as an original design, would have it protected as an original. He had in his possession a pattern which was purchased in Paris by a Manchester house, and almost at the same time another Manchester house purchased the same pattern in Paris from other parties, and one of those houses was about to publish it, until they heard accidentally that it was in the hands of another house in Manchester. Was there any security that if individuals without large capital purchased a pattern unwittingly under such circumstances, they might not be deterred from using it by the dread of proceedings against them, although they purchased the design in ignorance of the circumstances? It appeared to him that, when persons talked so much about piracy, they ought to state designs were frequently selected in France and entered in this country as original designs. He thought that an international copyright was a measure which ought to precede this, in order to render it efficient. With reference to the greater facility of production of design in France than in this country, he was of opinion that one cause which greatly tended to that advantage, was the more enlightened course which the French government adopted in giving the people access to works of art, whereas in this country all our public institutions were almost inaccessible to the people, though he would admit that considerable improvements had been effected in that respect. With respect to the duration of the copyright of a design, it should be recollected that novelty was the great recommendation to the public taste in those articles of manufacture which were concerned in any measure having relation to the subject under their consideration. He thought that three months' protection would be quite sufficient to protect the copyright in designs throughout one season. So far as his own opinion was concerned, it appeared to him that a copyright of three months' was enough; but he would consent to an extension to six months, and farther than that he would not consent to go.

Captain *Fitzroy* understood that the effect of the short term of copyright was to cause the manufacturer to charge a higher price than he would have occasion to do if he were secured the remuneration which a longer term of copyright would afford him. His object in rising was, to urge on the House a greater protection of the copyright of designs in the manufacture of carpets than was at present afforded. The designs for carpets were very expensive; and to produce the first yard of carpet in the loom cost a price ranging frem 5*l.* to 14*l.* The manufacturer was put to great expense and trouble to produce his design, and it was very hard that another person should be allowed to pirate his design and undersell him, and subject him to the odium of charging a higher price than the individual, who, by means of pirating his design, was enabled to undersell him. He had been assured that the present term of twelve months' protection to this description of copyright was not sufficient, and that no period less than three years would afford a fair and just protection to this branch of manufacture.

Mr. *Morrison* said, the subject now under discussion was full of difficulties, and called for great caution in legislating upon it. One of the difficulties arose from the fact, that all or the greater part of the designs printed in this country were bought in France. The hon. Member for Manchester had stated one instance of the same identical pattern having been sold to two different houses, and he knew an instance of the same pattern being sold to four different parties. He, however, did not see how the manufacturers of this country could improve on designs unless some moderate protection was afforded them. In cheapness and quality we had a decided advantage in our productions over all other nations; but he thought we could not maintain this position, unless an alteration were made in the law of copyright of designs. He did not think our foreign trade would be injured by it. It had been stated that its effect would be to prevent novelty; but the existence of this protection in France did not prevent novelty there.

Mr. *J. Heathcoat* said the hon. Member for Belfast had not considered how his measure was to be carried out. The machinery of the bill was defective. The Bill would afford no protection against fraudulent registration. His own experience made him fear that it would not prevent such fraud. The country being so much dependent on France for articles of fashion, collision might exist between persons at home and in that country, by which patterns brought from Paris might appear in England at a time when they would be passed off as original. The certificate was *prima facie* evidence of originality, and how could the English shopkeeper go over to France to prove that patterns which he may have purchased were not original? Besides, as there was nothing new under the sun, old forgotten designs might be passed off as new ones. There was another objection, that persons in this country did not know what was registered; but in France that was not the case. Many of the evils, with regard to piracy of designs, were almost incurable; but he should be ready to support any measure which appeared to him likely to remedy them, and he should not be amongst those who would deny fair protection.

Mr. *Brotherton* thought, no sufficient reason had been given for making any alteration in the law. The object of the bill was to increase the profits of the printer, and it would not make prints cheaper. Old patterns would be kept before the public. He was assured that the bill would promote litigation, and give rise to much oppression. He implored the House to proceed very cautiously in establishing these monopolies. The present system effectually benefitted both the printers and the public.

Mr. *Henley* said, that though from the excessive clumsy machinery of the bill no man could be convicted of anything under it, as it threw on the plaintiff or defendant the onus of proving or disproving a negative knowledge; still the shopkeeper might be put to great loss and annoyance by these provisions. He could be brought up before a magistrate, and have to employ counsel and attorneys to defend him in any action that might be brought against him. If a man expended 150*l.* on pirated goods, he never could sell them, because, though the copyright was only for twelve months, it existed for ever so far as the shopkeeper was concerned. If no other Member took the matter up, he should oppose the faults of the bill in committee.

Mr. *Gladstone* rose to say but very few words on a subject which had already undergone so protracted a discussion. His hon. Friend had been desirous in committee of offering some explanatory statement as to the statistics of the trade, as to the comparative importance of the firms engaged in the trade for and against the measure. His noble Friend, the Member for South Lancashire, had stated, that out of 179 firms engaged in this trade, thirty-six only were against a measure of this description; but it had been stated in evidence given before the committee that those thirty-six, with respect to the quantity of goods printed, were greater producers of the article than the whole remaining number of printers. That statement was quite erroneous. Out of 16,000 printing tables only 2,319 belonged to the opposers of this measure. Out of 43,000 men employed only 7,400 were employed by those who were against the measure. Out of 16,000,000 of pieces printed, only 4,500,000 were printed by those who opposed this bill. Unless these figures could be successfully impugned, it was certain that the general sense of the trade was in favour of the measure. With respect to the objections which had been made to this bill, they were divided into two classes. One class of objectors were opposed to any legislation on the subject; the other class objected to the mode of registration; but he thought that was a matter which would be more properly attended to in committee. The right hon. Gentleman (Mr. Sheil had estimated the number of designs which would be registered every year at the enormous amount of half a million. [Mr. *Sheil*, "No."] Well, then, he was mistaken, and the right hon. Gentleman, he trusted, had discarded this ground of objection. It might be that some thousand designs would have to be registered every year, and that in consequence a more efficient organization of the register-office might be needed; but this was no objection to the bill. The right hon. Gentleman had objected to the certificate of the registering officer being made admissible as evidence in courts of law; but it was admissible only as *prima facie* evidence, and it would be perfectly competent to any party to bring an action at law to show that the certificated design was an old one, in which case the certificate would be overruled by direct evidence, and the party adducing it would be cast. But the position of the retail dealers would be altered, the right hon. Gentleman insisted, by this bill, and the mode and manner of bringing these parties to account had been much objected to. But was the right hon. Gentleman aware of the clause to the same effect in the existing law? There was no additional severity, but, on the contrary, somewhat of relaxation in the mode of bringing these parties to account, as compared with the act of the 2nd of Victoria. Another objection was, that two parties might purchase the same invention—that one might register, and the other being a *bonâ fide* purchaser, might be treated as a pirate. This certainly was a possible case, which might occur under this bill; but so it might occur under the existing law, or under any law of patents, and he must be permitted to say, that when it did occur, it must be owing, in a great measure, to the negligence of the parties themselves. It was material that the House should observe, that the great objection, after all, was the fear that the measure would be injurious to foreign trade. But he should expect a judicious law of copyrights of designs to benefit materially, not only the foreign, but the home trade also, by stimulating the genius of inventors, and so stimulating commerce. It had been said, they ought to rely, not on a copyright-law, but on schools of design, for the extension of taste. He, for one, should like to see schools of design flourishing; but though it was all very well to establish schools of design, and thereby create a race of good inventors, yet, if you did not also give those inventors, when educated, the means of obtaining a livelihood by some such measure as this, the institution of schools of design would be nugatory. This difficulty had already been experienced in the matter of primary education. It is vain to found normal schools, unless you have the means of retaining by sufficient remuneration those who may be trained in them. Seeing, then, that the objections were either minute or unfounded, and that the bill came before them under the recommendation of a committee, he trusted that the second reading would obtain the unanimous consent of the House.

Bill read a second time, and ordered to be committed.

Copyright.] Viscount *Mahon* said, that on moving the second reading of the Copyright bill, he had conceived that it would have been his duty to state the main arguments in favour of it, and also to reply to the main objections which had been taken against it; but since he had come into the House, the hon. Member for Finsbury (Mr. Wakley), who had formerly taken so active a part in the discussions on this subject, had told him that, in his opinion, it would be far more convenient to the House if the discussion were postponed till they came to the third clause in committee, as it was that clause which involved the principle of the measure, and as probably only one discussion on that principle would be required. In that opinion, he (Lord Mahon) had found, that his right hon. Friend, the Member for Edinburgh (Mr. Macaulay), also concurred. He should, therefore, reserve himself for the next stage of the bill, and merely move that it now be read a second time.

Mr. *Wakley* was very glad that the noble Lord had consulted the wishes of several hon. Members on that side of the House. He believed that the general wish was, that authors should receive adequate protection for the great services which they rendered; the only difference was as to the mode of securing that protection.

Mr. *Macaulay* said, that last year he should not have divided the House on the second reading, if language had not been used which rendered the step, as he considered, imperative upon him. The measure as it now stood was a great improvement on that of last year, though there were still a great many defects of detail which he would wish to see altered. Upon the whole, however, he was not without hopes that they might be enabled to arrive at a satisfactory measure.

Bill read a second time; to be committed.

MARRIAGES—ADJOURNED DEBATE.] Mr. *Borthwick* did not move the adjournment of the debate on the motion that leave be given to bring in a bill to amend the present marriage law; yet he hoped the House would allow him to state briefly the grounds upon which he should give his vote. There appeared to him to have been urged against any measure of this nature three main objections. First, that it was a bill contrary to the revealed will of God; secondly, that the whole course of legislation in this country for nearly the last 1,500 years had been in opposition to the principle of the bill; and, thirdly, that the practical operation of such a law being once incorporated in the statute-book would be to take off the fine edge of that morality which now existed in families. If these three propositions could be maintained, then he was sure that the noble Lord who had proposed the measure (Lord Francis Egerton) for the consideration of the House, would have been the very last man to have brought it all under discussion. If it could be proved that the revealed will of God was in direct opposition to the prososal now made, it was the duty of the noble Lord, even at this stage of the measure, to withdraw it. But in his opinion the argument which had been advanced in support of that proposition could not be sustained. The text which had been quoted from Leviticus clearly forbade the marriage of a wife's sister only during the life-time of the wife herself, and did not in any way prohibit the marriage of such sister after the death of the wife. Then with regard to the second proposition, he confessed that it was one which, at first sight, wore the appearance of much gravity. It asserted, that for nearly 1,500 years, the united opinion of the Catholic Christian church had been directly against the law now proposed by the noble Lord. He had to observe, first, that although they found in the Roman Catholic church there were prohibitions against these marriages, yet they found also that there was a prohibition against any marriage at all on the part of the priesthood. Now, he would ask those who put this argument as against the present bill becoming the law of the land, did the Roman Catholic church forbid marriage to their priesthood as a matter of discipline, or as a matter of moral rectitude? The reply must be, that the Roman Catholic church forbade it as a matter of discipline solely. The English Protestant Church had, so far as regarded their priesthood, annulled the prohibition. The same principle which induced the Roman Catholic church to prohibit their priests from marrying, also induced them to prohibit a man from marrying his deceased wife's sister. And if the reformed church had the power to annul the former class of prohibited marriages, so also had it the power to annul the latter class. The Pope also could grant to parties dispensation, and allow them to marry within the prohibited degrees. But no dispensing power was ever given to the Pope by the Catholic church over acts which were in themselves and in their own nature directly sinful. It would not be attempted by any Protestant to be argued that the Pope had a dispensing power over acts that were contrary to the revealed will of God. It was clear, then, that the argument founded upon the long continuance of the law which forbade such marriages could not be adduced in support of any other proposition than that the Roman Catholic church had deemed it right to make the prohibition as a matter of discipline merely; and as a mere matter of discipline on the part of that church it could not be put as a reason why the Legislature of a Protestant community should not alter such a law. Then with respect to the third objection, founded on the moral effect of this measure on society. It had been said, that the opposition of the Church of Rome to the marriage of a man with his deceased wife's sister was founded upon the immoral tendency of such marriages. If that could be shown, no person would be more ready than himself to reverence the motive which actuated that church. Still the purity of the motive was not sufficient to convince him of the soundness of it in reason and in experience. For his part, he believed that those who contracted these marriages were actuated by the purest motives. At all events, he was firmly convinced that if a man could be brought to regard his wife's sister with any feelings of an improper nature, it was not in the power of legislation to set aright the moral derangement of that man's mind. His arrangement in favour of the bill now before the House was this, first, that these marriages were not prohibited by the sacred writings, secondly, that they were not against the authority of the church, inasmuch as that authority rested on moral grounds; and, thirdly, that they were not productive of moral inconvenience to one-half the amount that existed under the present law. The prohibition which this bill went to remove produced evils in law, evils in morals, and evils in religion, which he was sure hon. Members would be very slow to encourage. On these grounds he implored the House to adopt the present measure in order that an end might be put to them.

Mr. *Curteis* thought the evidence to be adduced from scripture much in favour of the bill, but he reprobated an attempt, such as had been made by the hon. Baronet the Member for Oxford, to give a religious character to the discussion. He could see nothing like impurity in the connection between a widower and his late wife's sister, and some of the evils of the present state of the law had fallen under his own observation. How the notions of persons might conscientiously differ upon this question was illustrated by the fact, that while Dr. Pusey had written strongly in support of the cause espoused by the hon. Baronet the Member for Oxford, the Archbishop of Dublin had taken an opposite view, and in a published letter had given it as his decided opinion that it was much better to leave persons to the guidance of their own feelings, and to the dictates of their own consciences than to legislate at all upon the subject. He trusted, therefore, that the ordinary courtesy would not be denied in this instance, and that the noble Lord would be allowed to bring in his bill.

Mr. *Charles Buller* having moved the adjournment on a former day, wished to be allowed to make a few remarks on the present occasion. He had made up his mind to support the bill, although in the first instance he had felt adverse to its provisions. He was disposed to argue the question on the grounds of national expediency, and in the outset he readily admitted that there was something to be said on both sides. The principal argument against the measure was founded upon the disturbance of domestic relations, by allowing husbands to look upon a wife's sister as a person to whom they could hereafter be allied by nearer ties. Nevertheless, in his opinion, all yielded to considerations of expediency, justice, and humanity, especially applicable to the middle and lower classes. In that division of society, it was often highly important to allow the wife's sister to become the stepmother of the children, as she was bound by every bond of affection to take care of them. The remark did not apply to persons of the rank to which he belonged, but in the middle and lower classes such unions were frequent and natural. In the case of a cottager, what woman so fitly as the wife's sister could fulfil the duties of a mother? Neighbourly charity could hardly be expected to undertake such duties; and, although the House was necessarily without statistical details, there was no doubt that among country people, the marriage of the widower with the wife's sister was the ordinary mode of providing for the care of the children. Among the sober and industrious classes, he had understood that such marriages were extremely common, and it was natural that they should be. Supposing the inclination to exist between two parties, what would be the consequence of prohibiting marriage by law? The parties would dispense with the ceremony altogether, and they would thus in a manner be compelled to unite without the sanction of the law. It was very unwise in the Legislature to require more preliminary conditions as to marriage than were absolutely necessary. At present, if a marriage of the kind took place in ignorance, the penalty did not fall upon the father or mother, but upon the innocent children. In the higher classes, large properties and fortunes were often involved in questions arising out of such irregular unions. A very proper disposition had been shown by the House to prevent the discussion taking a theological turn; where the commands of religion were so clear that no Christian man entertained a doubt, no disposition was evinced to violate the Divine law; but the moment any point of controversy arose, it was unwise to make the House the arena for such discussions. Was there, then, any unanimity upon the point? On the contrary, in the greater part of Christian Europe, and among the white population of America, these marriages were perfectly lawful. Besides, it was extremely unjust to make the rules and canons of a particular church the rules and canons of an entire population. The Roman Catholics regard these marriages as prohibited; but the rule might be relaxed by the dispensing power of the Pope. Therefore they were able to contract these marriages; but what would be the effect of prohibiting them by law? They would be deprived of the power of doing an act which by their own religion having the dispensation was perfectly lawful. Many Protestant dissenters also held these marriages to be lawful; and if the consciences of members of the Church of England were opposed to them, it was easy for them to avoid them. By declaring such marriages illegal, the religious liberty of those who now could contract them was violated, while by passing the bill now to be introduced no man's privileges were interfered with. It was not necessary to refer to the Fathers nor to the council *De Liberis*, to which the hon. Baronet the Member for Oxford had made a timid allusion, but it seemed trifling with the sanctity of marriage to permit the existence of any discrepancy in the practice of different Christian countries. If a law was passed forbidding these marriages, it would be defeated by the mere circumstance that they were held lawful by neighbouring states; and how was it possible to look with horror here upon unions which were actually sanctioned by the law of many Christian countries? The only way of legislating effectually in such a case would be to apply the same rule to the marriage of a wife's sister as to that of a sister by blood; but his main ground in favour of the introduction of the bill was, that to prohibit such marriages was opposed to the general feeling of the country. There was no extent to which people might not go in reference to what were called the prohibited degrees; and at one time it was held by the Church of Rome that marriages even to the tenth degree could not be celebrated without dispensation. Lord Coke had referred to a case where a marriage was annulled because the husband had stood godmother to his wife's cousin. [*Laughter.*] He had made a mistake; the case did not go quite so far, but the marriage was annulled because the husband had stood godfather, not godmother, to his wife's cousin. If any one had proposed then to alter the law, the argument of the hon. Member for Oxford— he could fancy him living in that time—would come to this; he would say, "Where will you stop? Here is a marriage to be allowed between parties in the tenth degree; you will very soon demand the legalisation of marriages in the ninth degree, and there will be no ending till you come to the last terrible degree, which frightened all men, marrying a man's grandmother." Now, he did not think that if they gave this permission there would be any other demand for encroachment; for even where the Pope had the power of dispensing with prohibition of marriages within nearer relations, such as a man marrying his niece, a marriage common in Spain, he did not believe that there had been one such case in England during the whole of the Popish time. Take, however, the question free from all prejudices; let them look at the marriages that had occurred. Did they believe that in ninety-nine cases out of a hundred, more desirable marriages could arise than under such circumstances? In the first place, there was the equality of affinity, if not of original birth; and in the second place, did they desire that marriages should be formed upon a knowledge of the character of the parties, each knowing the other's faults and virtues? He asked, when they could enter into the marriage state with the fuller knowledge of character on both sides? He asked, in what case could the attachment be formed on purer or more refined motives? And he would ask, under what circumstances the passions were likely to flow in a purer and more refined course? It was no idle passion—it arose from no heyday of youthful blood—it arose most probably from common affection and common sympathy for fond and beloved objects; and the tie which would bind the living was the common feeling of attachment towards those left to them as the objects of their common care.

The *Chancellor of the Exchequer* thought that what the hon. and learned Gentleman had said, formed the strongest argument against the measure. The hon. and learned Gentleman had said, that if these things had occurred among the higher classes alone, he would not interfere; but he would legislate for the lower orders. Now, he could not consent to place the moral feelings of the higher and lower classes upon a different footing. He had known much of the lower orders, and he knew them to be as strongly actuated by moral feelings as those moving in the most exalted ranks. If the hon. and learned Gentleman deemed it desirable to prohibit these marriages among the higher classes, he thought he could convince him, that it was equally desirable to prohibit them in the lower classes. Among the lower orders, the hon. and learned Gentleman must admit, that there were many more occasions of familiar intercourse. They were necessarily confined within narrower limits; and if, in the higher classes, the attention of the husband to the wife's sister would assuredly create dissension, that dissension would, among the lower orders, be equally strong. He could not, therefore, acquiesce in the hon. and learned Gentleman's opinion that this measure was expedient for the sake of the lower orders. The hon. and learned Gentleman then spoke of these marriages as if they were the common rule of society. [Mr. *C. Buller*: They are common.] He had had considerable experience of the rural population, and he had never heard an instance of a marriage of this description, and he believed the feeling with respect to such marriages to be decidedly against them. The hon. and learned Gentleman also relied much upon a petition from the parochial clergy, to which he attached too much importance, for he believed it came entirely from the parochial clergy of the diocese of Norwich, and it could not, therefore, be fairly taken as expressing the general feeling of the parochial clergy throughout the country. For himself, having much communication with the parochial clergy, he thought, that the opinion they entertained was against such a change, not only on public grounds, but also upon others, which, if he abstained from mentioning, it was because he was unwilling to make the House the arena for theological discussion. The hon. and learned Gentleman used also the argument, that whilst a contrary system was prevalent in other countries, it was absurd, or, at least, not desirable to maintain it here—he spoke of Roman Catholic countries—and he said,—

> "If it be competent for Roman Catholics in foreign countries to marry in this way by dispensation, how can you in England, where you have so many Roman Catholics, object to legalize what the Catholic Church does not prevent?"

But the hon. and learned Gentleman must know, that it was usual in the Roman Catholic Church to grant a dispensation in much nearer degrees of relationship. If, therefore, he admitted the arguments of similarity with other countries, he must not only adopt the present measure, but go one step further; and if, in other countries, he found that Roman Catholics in still nearer degrees could marry, he would by the same argument be called upon to legalise those marriages, and throw the existing marriage law into utter confusion. He believed that the measure, if carried, would lead to great distress. He thought, that the mere discussion carried with it many inconvenient consequences—doubts were thrown out, whether marriages before considered impossible might not be rendered legal? He believed, that the happiness of married life depended much upon the fact that marriages were indissoluble; he believed, also, that much of the happiness of social life depended upon the impossibility of marriage between certain members of the family; and he doubted whether the mere discussion would not tend to unsettle the minds of persons, and lead to disunion and to the injury, if not the ultimate destruction of domestic happiness. If that were the evil of discussion, how much greater would be the evil of legislation? He was of opinion, that the legislation in 1835 had been an evil, for marriages of this class were limited in number before 1835. The cases which then occurred were rare exceptions, and excited observation; but as soon as Parliament gave out that they were prepared to legislate, the marriages which took place immediately increased ten-fold, the parties believing that as the Legislature had legalised some, it would, if many cases occurred, go one step further and legalise all. It was impossible to say, when the door was opened, how far the passions of men would carry them in the evasion of the law. Many might possibly have done so in the belief that Parliament would, by the frequency of the practice, be called upon to legislate. And even if this should not actually be the case hereafter, and if Parliament should not be willing to extend the law, yet the proposal would have the evil of unsettling the minds of men and of women on this subject. Then the hon. and learned Gentleman most feelingly alluded to the advantage of having the wife's sister as the step-mother of the children. He said, that no union could be so suitable, so proper, so likely to arise from the purest of motives, and so well calculated to benefit the family. He admitted, as far as the children were concerned, that probably no person was more desirable to take care of them than the sister of the deceased wife; but to render that care effectual, he did not think it necessary to legalise a marriage. The hon. and learned Gentleman had enumerated many cases in which this had taken place, where the parties wished, but were not enabled to marry; there were, however, many more cases where the sister took care of the children without any thought of marriage; and he must observe, that if they allowed marriage between the parties, they would actually prevent the taking charge of the children by the deceased wife's sister, unless there was a marriage, for in this country, where family intercourse was looked upon, and was the greatest luxury of life, it formed a rule of society, that parties of different sexes, capable of being united in marriage, should not live together without that union. The advantage, therefore, which the hon. and learned Gentleman desired of having the children consigned to the care of the deceased wife's sister, would, in all cases in which the husband did not wish to marry his wife's sister, be effectually prevented, and upon that ground alone this measure would prove a real disadvantage to the children. He did not admit the consequences which the hon. and learned Gentleman thought likely to result from the continuance of legal impediment to these marriages, or that litigation would take place. If the public were only satisfied that Parliament would not alter the law which regulates marriage, they would obey the law, and there would be far fewer marriages illegally and improperly formed, than if by new legislation we excite hopes that the Legislature will legalise marriages, though contracted contrary to law, so soon as they are stated to be numerous.

Mr. *Brotherton* said, that if they went upon strictly scriptural grounds, it was probable that second marriages, in any case, could only be justified on the ground of expediency. It must be observed, that it was only since 1835 these marriages with the deceased wife's sister were declared illegal—previously they were voidable but not void. A bill was then brought in declaring that these marriages, after a certain day, should be illegal; he well recollected the feeling of the House upon the subject, and when the bill had gone through committee the House left the law, by the bill, just as they found it. Hon. Members had several representations from the country, requesting the law to be passed as it was brought in, and they were told that it would not pass the other House if it were not altered. Parties desirous of having their own marriages legalized made a general canvass among the Members, and on bringing up the report a clause was added, making all future marriages void. As the bill passed that House those marriages which took place after the 1st of July were to be void, but some interested person got the bill altered, and it stood that they were to be void from the passing of the act. He had heard that a gentleman, while the bill was passing through Parliament, had married his deceased wife's sister, and the alteration of the date made this marriage legal. He recollected also that Mr. Sergeant Talfourd, on the very night the bill received the Royal Assent, moved for its repeal. A few days afterwards he (Mr. Brotherton) was visited by a young man who had promised his deceased wife on her death-bed to marry her sister, on account of the children, and asked if the act would make his marriage legal, for they had agreed to be married the next Sunday. He told the young man what the act contained. He stated the facts of the case—that the marriage would be void. He knew that in many cases other marriages of the same sort had taken place, and he was acquainted with one case of a servant, who, although he was aware that the marriage would be void, could not be prevented from contracting a union; and he was told, that amongst the working people such marriages were frequent. He believed, that there was a general impression that marriages of this kind were not immoral, and that as Parliament had declared all such marriages, previously to 1835, to be legal, the same course might be taken again.

Mr. *Vernon Smith* said, he wished to address a few words to the House on a subject which had, at least, the merit of novelty. One reason that induced him to give his vote against the proposition, was the time at which it was made. He did think, that considering the security the House had in the character of the noble Lord, from his high character, and the ample consideration he had given to this question, as well as the position he occupied in that House, not only from his rank and the large constituency he represented, but from the course he had pursued in the House, showing that strong party attachments, and talents of no ordinary kind, might be made perfectly consistent with the most conciliatory demeanour towards all parties in that House—he did think it was due to the noble Lord to have allowed him to introduce his bill. That permission, he considered, had been denied him when the adjournment took place; and, therefore, on the present occasion, he felt obliged to give his vote against the bill. He should not enter into the religious considerations connected with the question, they had been very properly avoided, for if there were religious objections to such unions, no law that could be passed would obviate them. In this respect, every man must be left to be guided by his own conviction, whatever law might be passed. He should confine himself solely to the inconvenience and inexpediency of these marriages. The hon. Member for Liskeard had made an able speech on the question, but he thought it told rather against the bill, for which he intended to vote, than in its favour. The hon. Member had considered, that if the question were confined exclusively to the upper classes, it would be different; but with regard to the working classes, among them a widower could find no person so well fitted to take care of his children as his wife's sister. He differed from the hon. Member in his view of the question, in reference to the upper and working classes. Among the working classes, it was a much simpler proceeding for a sister of a deceased wife to live with the husband, without any impropriety than among the higher classes. The laws they might carry in that House, on such subjects, were calculated to have a very great effect on the morals of society. Fiscal laws might be avoided by those determined to evade them; in political legislation also, laws might be obstructed by those who were disposed to obstruct them; but with respect to laws bearing on morals, the case was different; persons were not unapt to take their moral tone from the laws passed by that House. They were called on to consider the views prevailing on this question among society. It was stated, that there was a very strong feeling in favour of such a law among the people. Now he meant to say, that if such a feeling existed, he was perfectly ignorant of it. When they were called on to look at the distress of the persons who were agitating this question, he thought that they had no great call on their sympathies. Who were they? Who must they be? He should be sorry to treat the question with anything that had the appearance of ridicule towards the feelings of any portion of his fellow-countrymen. But he supposed the persons who were agitating this question were a number of mature gentlemen who were widowers, and anxious to marry their deceased wife's sister. He must say, that the agitation of such a question by such a body of men need not necessarily excite the sympathy which the situation of any other sort of distressed persons would do. He believed, with the Chancellor of the Exchequer, that many persons who had lost their wives, were not unwilling to permit their wife's sister to live in their house, and to take care of their children. The moment they passed a law, permitting these parties to marry, there was not one of those couple now living together in a perfectly harmless and respectable manner, who would not feel called on by the state of society in the country districts of England, immediately to marry. This would be a very great inconvenience, as there might be numerous cases in which persons were willing to live together, but who would yet be extremely unwilling to increase their expenses by a family, or become connected by marriage. He knew this was a delicate subject to touch on; he was not such a master of language, but some expression might escape him, which might excite ridicule; but he hoped hon. Gentlemen would believe, that he was endeavouring to speak seriously, and not think that he had any intention of exciting mirth. The principal purpose of this bill was founded on an assumption that, he was unwilling to allow,—namely, that it was impossible for affection to exist between the sexes without marriage. It assumed, that it was utterly impossible for a widower to live with the sister of a deceased wife, without some improper connexion. He admitted the dangerous tendency of placing young persons to live together in the same house, but he did not think the objection applied to cases of this kind. He thought, that in these cases the law might create the very feeling they wished to avoid. He could not agree to the principal proposition on which the bill was found d, and on the fullest consideration which he could give to it, he had come to the determination to vote against the introduction of the bill.

Mr. *O'Connell:* It had been said that this measure had been demanded of the House by the state of society, especially among the poorer classes in this country. It certainly was not demanded by anything that had occurred in Ireland, for such marriages as those which were contemplated to be legalised were never heard of among the Roman Catholic population of that country. He did not oppose this Bill upon the ground of such marriages being prohibited by the Christian law. He had heard some theology spoken upon this question, and very indifferent theology it was. The hon. member for Salford was mistaken in his view of the Roman Catholic doctrine upon the subject; and he would afford him some consolation, by assuring him that, if it should happen that a clergyman of the Anglican church should be reconciled to what he would call the mother church, he might hold his living without parting with his wife. But he opposed this measure upon a strong conviction that it would not have a moral tendency. He would not enter into the train of reasoning which had conducted his mind to this conviction; but upon a most deliberate view of the case he had arrived at that conclusion, and having done so he should vote against this bill.

Lord *Ashley* would only offer a few words for the purpose of stating some facts, which he thought had some bearing upon this question. It was said that the practice which was sought to be introduced into this bill was in harmony with that of the greater part of Christendom, but that there were no moral statistics by which positive information upon the point might be obtained. There was evidence, however, of a highly important character upon the question which he would bring before the House. First, as to the practice of Protestant Europe. The hon. and learned Member for Liskeard would not derive much benefit from this point, because, if he considered what was the law of marriage in Europe, he would perceive that the tie of marriage was looked on with a less strict eye on the continent than in England, and any argument which he might draw from the state of things which he had remarked, therefore, lost much of its weight and applicability. He believed that nearly all the thinking men of Germany were of opinion that the present law of marriage could not be maintained, but that recourse must eventually be had to a return to the old canon law. But the subject was not now broached for the first time. It had been discussed at length, and had been decided upon in France by persons who had no sympathies for the ecclesiastical or the canon law, and who came to a conclusion contrary to that now sought to be acquiesced in by the House, simply and solely because they looked to the domestic position and comforts of the people, and to the future safety and security of the institutions of the country. At the time when Napoleon was drawing up his civil code, amongst other things, the law of marriage was submitted to the consideration of the Council of State, to which the general questions of the laws of France were referred. The Council of State was the body to which the discussion of this question was confided, and Napoleon himself occasionally presided over its sittings. By the law of 1792, passed in the time of the republic, the ecclesiastical and canon law of the kingdom were totally abandoned, and marriages were prohibited only within the natural and legitimate degree in the direct line; brother and sister were interdicted from marrying, but marriage was permitted in every other degree, and it was necessary in drawing up the code that this matter should be considered. The subject which was discussed in 1804, was the same which was now submitted to the attention of the House; namely, whether brother-in-law and sister-in-law should be allowed to marry, as provided by the law of 1792. By the authority of the Emperor the deliberations of the Council were published. On a debate on this article, at which Cambacéres, Laplace, Rennier, Tronchet, and others were present, an argument was raised precisely similar to that which had now been brought forward. It was said, "There is no reason for prohibiting the marriage between brother-in-law and sister-in-law, and the welfare of the children of the first marriage demands that such marriage should be authorized." To this argument it was answered that what had been said with regard to the interests of the children of the first marriage would apply in very few cases, but that motives much less respectable would ordinarily determine this kind of marriage, and the frequent occurrence of cases of divorce would lead these relatives to very indecent practices. M. Rennier, the minister of justice, on this observed, that the facilities given to such marriages by the law of 1792, had given rise to numerous divorce suits, and after M. Tronchet and another had expressed their views, the First Consul gave his opinion, and the result was this, that having said that marriages between uncles and nieces, and aunts, and nephews, were prohibited, with power, however, of dispensation, he came to the conclusion, and it was now the law of France, that marriages between brothers and sisters-in-law should not be permitted under any circumstances. That was the conclusion to which the council came, and they did so simply and solely on the experience which they had had upon the law of 1792; and although Napoleon carried this measure, he yet carried a law of divorce so stringent that it was almost impossible to obtain a decree of divorce under it. This, then, he held to be something to guide the House, at all events, upon their coming to a decision upon this question. But if the bill of the noble Lord were carried, he did not know how they were to stop the progress of further legislation upon this point. Now, the line of demarcation, beyond which parties were not to go in contracting marriages, was clear and well defined; but this point once broken down, it was impossible to see to what extent the mischief might be carried. And this objection appeared to have been very strongly felt by the noble Lord who had introduced a similar bill in another place during the last year, because in that bill he reduced the number of prohibited degrees from thirty to twenty. He thought, however, that the House would agree with him that this was not a question upon which any new legislation was called for. Where such a measure was proposed, not only must the most overwhelming necessity be shown for it, but the national voice ought to be most powerfully expressed in favour of it, to induce the House to accede to it. Scarcely anything had been said in favour of the measure, and the utmost which had been urged in support of its popularity, was a petition of some few clergymen and other persons residing in a small district of country. He believed, that the feeling of the clergy of England was against this proposition, and he was sure, also, that the feeling of the great body of the people of this country was against such an alteration of the law; and, if he might take the opinion of the women, who were no bad judges of what was most conducive to domestic honour, and what was best for the ultimate good of mankind, a measure of this kind would never have been introduced within the walls of the House.

Mr. *C. Wood* confessed, that he thought the noble Lord who had just sat down, had much misrepresented the bill before the House, in stating, that it would make an innovation in the practice of the country; for he believed, the innovation was made by the clause introduced into what was called Lord Lyndhurst's bill, which clause was introduced, not by the noble Lord who moved that bill himself, but in the course of the debate thereon, and actually and altogether prohibited those marriages which, when the bill was brought in, were almost universally sanctioned by the practice of the country. The state of the law was, that such marriages were voidable, but not void. He believed, that not only amongst the higher classes, but also amongst the most respectable portion of the middle classes, and people whose morality and regard for considerations of that sort nobody would question, as well as among the lower orders, these marriages were carried to no inconsiderable extent. He had heard, from a learned Gentleman of no mean authority on questions of this nature, that the effect of the clause so introduced in Lord Lyndhurst's Act, had produced no effect whatever in checking those marriages, and that in point of fact, the practice had gone on to an extent of which hon. Gentlemen were not aware, the parties trusting that no question would be raised as to the validity of those marriages. The innovation, therefore, he apprehended, was made by the law passed to check those marriages; and the interruption to domestic happiness and the accession to property would arise, not from the bill of the noble Lord, but from the effect of the clause in Lord Lyndhurst's bill, which was admitted into that measure almost without discussion, attracting but little notice, and was passed through this House under the assurance that it might be re-considered in the next Session of Parliament. As to the conclusion which his noble Friend drew from a discussion of the Council of State in France, it must be evident that the arguments against the measure rested on the facility of divorce which existed under the then law in France. The opinions which the noble Lord had quoted, were of two persons, who said, that in the then existing facility of divorce, it was exceedingly objectionable, that inducements to divorce with a man's wife should be sanctioned by the possibility of a marriage with her sister. He apprehended, that that facility did not exist in this country, and he hoped it never would. That being the case, the arguments which his noble Friend derived from that position was entirely inapplicable to the present discussion. It was his opinion, therefore, that to the marriage of a man with his deceased wife's sister there ought to be no obstruction, ecclesiastical or civil, and that the House ought again to pass this bill.

Sir *W. Follett* thought, that the hon. Gentleman laboured under a great misapprehension as to the state of the law on this subject previously to 1835. The effect of the bill was not to render valid that which was invalid before; for, as he read the law, such marriages had always been illegal in this country. These marriages were not only prohibited by the canon law, but they were also prohibited by an act of Parliament so far back as the reign of Henry the 8th. The bill of Lord Lyndhurst was introduced to alter an anomaly in the law, which stated that these marriages must be declared invalid in the ecclesiastical courts, but that they could only be declared void during the lifetime of the parties. The same law which prohibited the marriage of a man with his deceased wife's sister, also prohibited marriages between a father and daughter, a brother and sister, and an uncle and niece, for they were only voidable through a process in the ecclesiastical courts, for the common law courts could not take up the inquiry, for the matter must be first questioned in the ecclesiastical courts. If in any of these cases the matter was not taken up during the lifetime of the parties, the marriage would to all intents and purposes be regarded as legal. But these marriages were not merely voidable on the case being brought before the court, for not only any person interested with the parties might take steps to destroy a marriage, and bastardise the issue, but any person who wished to extort money might institute proceedings against the parties. Surely this was a state of the law which ought not to be allowed to continue. The hon. Member for Salford said, that this clause was introduced into the bill on bringing up the report, and he was the person who brought up the clause. and he assured the House that he had never regretted having done so—by which it was enacted that, whenever parties married within the prohibited degrees of consanguinity, it should not be left to other persons to adopt proceedings to question the marriages, but that they should at once be declared void and invalid in themselves. The subject had been fully considered when this clause was introduced, and he denied that there was any understanding that the clause should be altered in the subsequent Session. If any hon. Gentleman thought that marriages should be declared legal contracted within certain degrees of consanguinity, he should bring forward a specific motion to exempt them from the operation of the act, instead of going to the repeal of the whole of the clause. Lord Lyndhurst's bill did not alter the general law in this matter; for it had always been the law of the country, and he believed that these marriages had always been inconsistent with a healthy tone of moral feeling, and that the public opinion of this country had always been opposed to such contracts. He did not deny that such marriages took place, but he believed that the feeling was as strong amongst the lower as amongst the higher classes against this description of marriages. He had no wish to enter upon any discussion of the religious question, for he thought that all such topics should be avoided as much as possible in that House. He believed that the moral feeling of the country was, that it was better that they should keep the law as it then was. He thought that the arguments of his hon. and learned Friend, the Member for Liskeard, with respect to the reasons why the higher classes of society were opposed to this description of marriages, was equally applicable to all the other classes in the community. He was satisfied that the sister of a deceased wife was the best person to act as a mother to a man's children; but if such a proposition as the present was adopted, the sister would be merged in the stepmother, and all the best affections of the sister would be lost. He was convinced that, if the Legislature once relaxed the law on this point, it would be impossible for a person to live in the same House with the husband of her late sister, for the voice of society would be strongly opposed to it, and would always regard her in the light of a man's future wife. Under these circumstances, he thought that the happiness of society made it necessary that they should not attempt to relax the law on this subject. On these grounds he should feel it to be his duty to give his vote in opposition to the introduction of this bill.

Mr. *Wakley* said, it must be very gratifying to the hon. and learned Member for Liskeard, to learn that his speech had produced such an impression on the mind of the hon. and learned Gentleman who had just resumed his seat. He thought the speech of the hon. and learned Member for Liskeard, a very eloquent and argumentative one, but it appeared that it had produced a conviction on the mind of the hon. and learned Gentleman who had just sat down, that the relaxation proposed with respect to the law of marriage should not take place. That was another example of the danger which attended hon. and learned Gentlemen when they made speeches without fees. He believed the hon. and learned Member's speech to have been a perfectly honest one, since he did not speak as an advocate, but as a senator; and if the hon. and learned Gentleman made such a mistake, he hoped it was participated in by the hon. and learned Gentleman the Solicitor-general. He had been much surprised to see to what source the noble Lord the Member for Dorsetshire, had resorted to find materials for arguing against the bill before the House, and that he had gone to the council of France in the year 1804. He hoped, after this, that revolutions would not appear so terrible and frightful to the aristocracy of this country. [" *Oh, oh!*"] Why, the sentiments and doctines which the noble Lord advanced against the proposition before the House were those which were uttered in the council of France under the presidency of Napoleon. The noble Lord, with his ability, must have been very hard pressed indeed to go to such a quarter for doctrines with which to support his opinion. The hon. and learned Gentleman the Solicitor-general, had informed the House for what purpose he conceived the bill of 1835 to have been introduced. An opinion existed in the House at that time, and it existed out of the House at present, that that bill was brought in for relieving a nobleman from the peculiar situation in which he was placed. That opinion existed then, and continued to exist now, and he for one believed it to be the truth. He was somewhat surprised at the manner in which some gentlemen had treated the character of English women in this debate. Those who opposed the bill, made it appear that a wife's sister was a kind of female with whom the husband could do just what he pleased. [" *Oh, oh!*"] That was their doctrine—that she had no virtue—that she had no firmness of mind—that she had no power to resist importunity. They treated her as a child, as an infant, as a person who had no reason, who had no will of her own. [" *No, no,*"] No doubt it was exceedingly unpleasant for them to hear this, but such was the fact. If that was not the tendency of the arguments which had been urged, why did they fear the course she would pursue? Why did they apprehend danger from her conduct? Why did they believe, that she would pollute the fountains of society? Not one fact had been stated, or argument advanced, which ought to induce the House to reject the motion of the noble Lord. When these restraints on the liberty of the subject were proposed, it was the bounden duty of those who were the advocates of restriction to show its necessity, and if that was not done, their case fell to the ground. Believing that that had not been done in this case, he should give his most cordial support to the bill of the noble Lord.

Mr. *Hardy* did not mean to detain the House one moment [" *Oh!*"], but the hon. Member for Finsbury ought to recollect that there was such a thing as an argument *à fortiori.* When the noble Lord the Member for Dorsetshire referred to the council of France, he did so in his apprehension, and that of every other Member in the House but the hon. Member for Finsbury, to show that the people of France having had experience of the effects of the relaxed law from 1792 to

1804, obliged even the liberal Napoleon and the council of France to bring back the law to its former state, as being more in conformity with their feelings and wishes.

Lord *F. Egerton* said, I have in the first place to thank my right hon. and learned Friend, the Judge Advocate, for a correction which his legal knowledge enabled him to apply to an error of mine on the instant. I have not any distinct recollection of the expressions of mine which called for that correction, but I have no doubt that they were such as to imply my belief that the marriage law, up to a recent period, had rested entirely on the canons of 1603, and had no foundation in statute. It was not my intention to lay down such a doctrine. I have said that I do not recollect, or at all defend my expressions, but what was in my mind and intention was this, that there was no statutory definition of the prohibited degrees now in force. I will not now proceed to illustrate this position by a detailed reference to statutes, because the operation would be a tedious one, and the object after all, of little consequence. I admit that, though the acts of Parliament of the 25th and 28th of Henry 8th, which alone contain a positive enumeration of the prohibited degrees, are repealed, yet the 32nd of Henry 8th, which has survived various tamperings of Henry's successors, implies a reference to the degrees of affinity so prohibited. On the other hand, I think that if we look to the origin and motive of these two statutes of Henry 8th, it will be admitted that they have not that character of sanctity about them which should make us hesitate to alter or amend them if we see ground of reason, justice, and expediency to apply such amendment. Having made this acknowledgement, and bowed to the just correction of my right hon. Friend the Judge Advocate, I beg also to assure another of my opponents, the right hon. the Chancellor of the Exchequer, that I have felt the force of his observations when he pointed out the evil and inconvenience of stirring this subject at all in this House. No man is more alive than myself to the delicacy and difficulty of the proceeding, but in this instance, as in many others, it seems to me that the discussion, with its attendant evils, has been unavoidable. I have known many subjects discussed here which I, for one, should have been glad to have suppressed. The Reform Bill itself was one of them; still, while I acknowledge the evils complained of, I must claim to throw the responsibility for them from my own shoulders on those of legislators whose acts I think it necessary to consider with a view to their amendment, and I leave it to others to apportion the burden between Lord Lyndhurst and Henry 8th, who, I think, may more justly bear it than myself. I have next to notice the observations of my noble Friend the Member for Dorsetshire, to whom I listened with the attention and deference which I always give to anything that falls from him, especially in any matter into which considerations of religion or morality can possibly enter. My noble Friend has drawn his principal conclusions from the state of society and the state of the law in two different countries of continental Europe, Prussia and France. With regard to Prussia, he traces to the state of the law in that country,—which, as he rightly says, permits, under certain restrictions, the marriages of collateral affinity which I desire to legalise here,—a laxity of morals which he considers to prevail in that country. He tells us, that the state of society there is such, especially with respect to the relations of marriage, as to make moralists and patriots sigh for a return to the old canon law. Sir, I am reluctant to draw in general uncomplimentary comparisons between the state of morals in my own country and any other,—such comparisons are often deceptive. I am nevertheless inclined to believe that between ourselves and Prussia a comparison would result to our advantage, and, knowing that my noble Friend has good sources of information, I attach considerable weight to his opinion, and I believe that the evils of which he speaks exist. I am however by no means so sure that the state of the Prussian law with regard to the degrees within which marriage may be contracted has as much to do with those evils as my noble Friend's argument would make us suppose. I strongly suspect that the facilities with which marriages may be dissolved contribute far more to any social irregularities or laxity of morals which may exist in Prussia than does the absence of that particular restraint on the contraction of marriages which I wish to remove in England. And is not my noble Friend well aware of other causes of the evil at work in that country? I know not whether its subjects would be well advised or not to return to the old canon law, but this I know, I wish they could return to the bible. I fear I do not overstate facts when I say that in Protestant Germany the influence of that volume has been almost nullified by the systematic attack which for the last century and half has been conducted by rationalists and neologists against its inspiration. The denial of that inspiration has for at least that period been the purpose and object of a series of able and laborious men, whose names are as unpronouncable as the catalogue would be interminable, and that catalogue has reached its climax in a name at this moment of the greatest notoriety in Europe.* These are circumstances which may well account for any features we may regret, if such exist, on the social condition of Protestant Germany. I know that the efforts of wise and good men, with one of the best of modern sovereigns in their van, are raised against this mighty evil. God send them success, but the task is one which will tax those exertions to the utmost. The disease lies too deep, in my opinion, to be reached by legal changes, but in so far as legislation can reach it, I doubt whether the cure should not rather be sought in a revision of the Prussian law of divorce than in any restriction upon the degrees of affinity within which marriage may now be contracted. Following my noble Friend to France, I find myself at issue with him on the fact that the marriages now in question are really prohibited in that country. That such prohibition is to be found in the code Napoleon, I am well aware, and I have no doubt my noble Friend is correct in his history of the introduction of the regulations he quotes, and that Napoleon and Cambaceres were its immediate authors. I venture, however, to assure the House that my noble Friend is mistaken in supposing that these prohibitions are now in force. I hold in my hand a legal statement, which I have the better right to quote because it is not only drawn by an unexceptionable authority, the legal adviser of the British embassy at Paris, but it fulfils the condition which, in the opinion of the hon. Member for Finsbury (Mr. Wakley), gives weight to legal advice,—it is paid for. It states that, marriage with the deceased wife's sister may be and is contracted in France by permission of the sovereign, and it points out all the forms and regulations under which that permission is obtained. The present law, therefore, in France, I state positively, is precisely on the same footing as it is in most of the countries of Protestant Europe, in which the sovereign certainly assumes a discretion which a Roman Catholic can only attribute to the pope. Of course I presume that the strict Roman Catholic in France, as elsewhere, would think it necessary to procure a further dispensation from Rome, but with this the law has nothing to do. In all these instances it is clear that such marriages are not considered as conflicting with religion or morality. The restrictions imposed upon them have reference only to the circumstances of the individuals ; they seem to me such as would not be practicable in this country, but they leave untouched the great principle that neither pope nor temporal sovereign can claim a right to dispense with a positive law of God. With regard to Scotland, I am far from saying that parties desirous to contract the marriages rendered void in England by the act of 1835, can do so effectually by resorting to Scotland for the purpose. But this I know, that such an opinion prevails, and that parties do resort to Scotland with such intent. I have a letter in my pocket from one of them, who seems content with the success of his proceeding. I fear that much confusion may arise from this state of things, and I may say in passing, that I should think this discussion, with all its possible evils, well bestowed if it could direct the attention of the Legislature and the Government to certain incidents of the marriage law of Scotland, and its possible effects upon English property and inheritance, which call loudly, in my opinion, for consideration. My hon. Friend the Member for the University of Oxford, has rested his opposition to the principle of my measure mainly on the practice of the early church. I regret that the lateness of the hour operated to make my hon. Friend compress materially his observations on a subject which he has deeply studied. I can claim for myself no such profound acquaintance with it as I attribute to him, and as he was under such disadvantage in discussing it, I wish to touch it now no further than to show that I have not altogether neglected its consideration, and that if I demur to his conclusions it is not from any want of respect for the authorities on which he relies, or from a presumptuous contempt for antiquity. My own general impression is just this, I think that for the first three centuries of the church we have little direct evidence of its practice. Towards the fourth century we have two facts in evidence,

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* Dr. Strauss.

First, that the practice prevailed to a certain extent, at least; this is clear even from Basil's famous letter against it: further, that when it came to attract the special attention of the heads of the church, when, if I may use the expression, they went to division upon it, the ascetic tendency of the age to restriction prevailed, and that various prohibitions were enacted, principally however, applied to the clergy. My hon. Friend, however, is well aware how many objects were embraced in these prohibitions, how many restraints were enacted by the same councils which he would be the first to disclaim and the last to revive. He is well aware that the marriage with the first cousin is forbidden under the same penalties. I have mentioned the name of Basil, who, I am sure, would be quoted by my hon. Friend as a very leading individual authority in his favour. No name ranks higher for learning and piety, and yet there is none in my mind who shows more distinctly to what an extent uninspired wisdom and learning may be misled by the circumstances of the time in which it flourishes. Take that prelate's opinion on slave marriages. What does he tell the slave who contracts a marriage without leave of the master. Does he say, as a Christian you should bow to the laws, however tyrannical, of the state in which you live? Had he confined himself to this, he would have, perhaps, spoken wisely and well. No, he says, you who contract a marriage without the leave of the heathen master who has fixed the chain on your neck, and the brand upon your brow, to the male he says, You are a fornicator; to the woman, You are an harlot. Sir, I have great respect for Basil, but I cannot admit him as an unquestionable authority. In conclusion, Sir, allow me to say, that if I felt myself possessed of any of that influence which has been kindly and flatteringly attributed to me by one of my opponents, the hon. Member for Northampton, I would not use it on such a subject as the present, to sway the deliberate judgment of any individual who hears me. There are many points of the question of expediency which hardly admit of argument or proof on which individuals must and will be guided by the results of their own reflection or experience. There are parties pleading at your bar for release from a restraint which they consider unreasonable and unjust. Give your unbiassed verdict, but if it be an adverse one, give it not in lightness of heart, or with that pardonable exultation with which you go into the lobby to raise perhaps to power and office the idol of your political predilections, or to remove from them the minister you distrust; give it rather as the jury, when its foreman returns into court with the capital sentence on his faultering lips, for rest assured that to some at least of your fellow-subjects the death warrant it will prove of peace of mind and happiness on this side the grave.

The House divided on the question, that leave be given to bring in the bill. Ayes 100; Noes 123:—Majority 23.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Antrobus, E.
Arkwright, G.
Baldwin, C. B.
Bell, J.
Berkeley, hon. C.
Bernal, R.
Blewitt, R. J.
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Buckley, E.
Buller, E.
Childers, J. W.
Cobden, R.
Colborne, hon. W. N. R.
Colebrook, Sir T. E.
Collett, W. R.
Craig, W. G.
Crawford, W. S.
Currie, R.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Denison, J. E.
Dodd, G.
Dowdeswell, W.
Duff, J.
Duncan, G.
Dundas, Admiral
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Ferguson, Col.
Ferrand, W. B.
Forster, M.
Gaskell, J. Milnes.
Gibson, T. M.
Gill, T.
Gregory, W. H.
Grimsditch, T.
Hall, Sir B.
Harford, S.
Hastie, A.
Hay, Sir A. L.
Heathcoat, J.
Hill, Lord M.
Hindley, C.
Hodgson, F.
Horsman, E.
Howard, hn. C. W. G.
Jardine, W.
Johnson, General
Langston, J. H.
Larpent, Sir G. de H.
Leader, J. T.
Lemon, Sir C.
Lindsay, H. H.
Macaulay, right hon. T. B.
Marshall W.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Mostyn, hn. E. M. L.
Muntz, G. F.
Neeld, J.
Ogle, S. C. H.
Paget, Col.
Paget, Lord A.
Parker, J.
Pechell, Capt.
Rawdon, Col.
Rennie, G.
Repton, G. W. J.
Rice, E. R.
Ricardo, J. L.
Round, C. G.
Scholefield, J.
Scott, R.
Smith, B
Strutt, E.
Thornely, T.
Troubridge, Sir E. T.
Tuffnell, H.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Wawn, J. T.
Wilde, Sir T.
Williams, W.
Wilson, M.
Wood, C.
Wood, G. W.
Worsley, Lord

Wynn, rt. hn. C. W. W.
Young, J.

TELLERS.
Egerton, Lord F.
Buller, C.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Ackers, J.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Bailey, J.
Bailey, J., jun.
Baird, W.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Blackstone, W. S.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Broadley, H.
Browne, hon. W.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Busfeild, W.
Cavendish, hn. C. C.
Cavendish, hn. G. H.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Clerk, Sir G.
Cochrane, A.
Colvile, C. R.
Corry, right hon. H.
Courtenay, Visct.
Cowper, hon. W. F.
Crosse, T. B.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
Douglas, Sir C. E.
Drummond, H. H.
Duffield, T.
Duncombe, hon. O.
Egerton, W. T.
Egerton, Sir P.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Follett, Sir W. W.
Fuller, A. E.
Gladstone, right hon. W. E.
Goulburn, rt. hon. H.
Greenall, P.
Greene, T.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hatton, Capt. V.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Holmes, hon. W. A'C.
Hope, A.
Howard, Lord
Howard, Sir R.
Jermyn, Earl
Johnson, W. G.
Johnstone, Sir J.
Lambton, H.
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Mackenzie, T.
McGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Marsham, Visct.
Master, T. W. C.
Maunsell, T. P.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Brien, A. S.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Ossulston, Lord
Packe, C. W.
Patten, J. W.
Power, J.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Richards, R.
Rolleston, Col.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Seale, Sir J. H.
Shaw, rt. hon. F.
Sheppard, T.
Sibthorp, Col.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somerton, Visct.
Stanton, W. H.
Stuart, W. V.
Tollemache, hn. F. J.
Trotter, J.
Tyrell, Sir J. T.
Vernon, G. H.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hn. R. B.

TELLERS.
Inglis, Sir R. H.
Ashley, Lord

CHILD MURDERS.] Mr. *Colville* moved for returns of the number of convictions for the murder of illegitimate children in England and Wales in each of the years from 1828 to 1841, both inclusive, and similar returns of the number of convictions for concealment of the birth of illegitimate children.

Mr. *Wakley* said, it could not be possible to frame a return which would give more incorrect information than that just moved. The number of convictions would not give one-tenth, one-fiftieth of the number of illegitimate children who had been destroyed; and as, of course, the object must be to arrive at a correct knowledge of those numbers, he hoped the motion would be withdrawn and remodelled; for, as at present framed, the result must deceive the House and the country. Nothing was more common than for children to be exposed in roads, and he had sometimes three or four such cases in one day; but in many instances, although it could be seen that murder had been committed, no convictions for murder took place; consequently the return of convictions would not at all indicate the extent of child murder.

Mr. *Colville* said, his object was to arrive at a knowledge of the effect of that part of the New Poor-law which regarded bastardy; but if the hon. Member thought the object would not be attained by this motion he would withdraw it, provided the hon. Member would give his assistance in framing one more efficient.

Motion withdrawn.

Adjourned.

HOUSE OF LORDS,

Thursday, March 17, 1842.

MINUTES.] BILLS. *Public.*—1ª. Criminal Jurisdiction of Courts of Quarter Sessions.

Private.—1ª. Stalybridge Gas; Bristol Boundary; Clee Inclosure; South Eastern Railway.

2ª. Brewood Free Grammar School; Liebert's Naturalization.

3ª. and passed:—Bunsen's Naturalization.

PETITIONS PRESENTED. By the Marquess of Lansdowne, the Marquess of Downshire, and the Duke of Richmond, from Armagh, Narrowwater, Middletown, and other places, for the Marriage (Ireland) Bill.—By a noble Lord, from the Members of the Relief and United Secession Churches of Glasgow, for the Repeal of the Corn and Provision Laws.—By a noble Lord from Minchinhampton, for the Prevention of

Idolatrous Worship in India.—From Moira, for Encouragement of Education (Ireland).

POOR-LAWS.] Earl *Fortescue* begged to put the question to the noble Duke of which he had given notice. At the late change of Government an impression went forth that great and fundamental changes were about to be made in the Poor-laws in England and Ireland. Statements recently made in another place had tended to remove that impression, but there still remained sufficient doubt on the subject to create a disposition in some quarters to dispute the authority of the Poor-law Commissioners. The questions, therefore, which he wished to put, and to which he hoped the noble Duke would find it convenient to give a clear and explicit answer, were, first, whether in any measure about to be introduced to Parliament, the general principles and leading provisions of the present law would be adhered to; and, secondly, whether it would be proposed to continue the administration of the law in England and Ireland under the direction of the Poor-law Commissioners, whose performance of their duties had fairly entitled them to the confidence of Parliament and to general approbation.

The Duke of *Wellington* was understood to say that it had been announced in another place that it was the intention of Government to propose a measure for the continuance of the Poor-law Commissioners. As that measure would be introduced at the earliest moment, and as their Lordships would have a full opportunity of knowing and discussing its provisions, he thought it would not be doing justice to the measure or to the public to make any partial statement of its nature or contents.

Subject at an end.

INCOME-TAX — FINANCE OF THE COUNTRY.] Lord *Brougham* said, that in rising to bring under the consideration of their Lordships the important subject of the resolutions which he had laid on the Table last Monday, he thought that he should hardly be justified, certainly was not called upon, to vindicate the course which he had deemed it necessary to take on this occasion. None but a very superficial and ignorant person—none but a person most superficially acquainted, if acquainted at all, with the history of parliamentary proceedings, especially in their Lordships' House, could for an instant entertain the shadow of a doubt as to the entire competency and regularity of this proceeding. It was a vain and idle imagination to suppose that the House was precluded by any form of the constitution from exercising its judgment upon whatever financial measures might be introduced into the other House of Parliament. It was a vain and idle imagination to think that the House of Lords had not the same right to consider questions of revenue and taxation as they had to give their decisions on any other matters which affected the interests of their fellow-subjects. It was a right which they had constantly exercised—which they had never abandoned. It was a right from which, when not insisted on, they had voluntarily abstained; but, whether insisted on or abstained from, the right was theirs by the law of the land. This being on all hands allowed, it might, perhaps, be said that in practice they did not interfere with measures of taxation or finance. In general (he would admit) the Lords waited until such measures were embodied in bills and sent up to them from the other House of Parliament; but nevertheless they were habitually called on, in speeches from the Throne, and in messages from the Crown, to take into their consideration grants of money, and that, too, at the very same time, and in the self-same terms, in which similar recommendations were made to the Lower House. Indeed, he never remembered any message sent to one House, recommending grants of money, without the same message being sent to the other at the same time; and as lately as the commencement of the present Session, when they were assembled at the beginning of last month, the Lords and the Commons were, by the speech from the Throne, and in the same words, informed of the deficiency in the revenue, and were asked to take special measures for making that deficiency good. He found that the course he now took of calling their Lordships' attention to matters of finance, while under the consideration of the Commons, was the course pursued in the best of times, and by the best of statesmen; above all, by men who were fully practised in the forms of both Houses of Parliament, as well as eminently conversant with the principles of the constitution. When he mentioned the late Lord Grenville, he named one, who, to his profound political knowledge, and varied acquirements, added the character of being a most diligent student of all our constitutional forms. Having filled the chair of the other House of Parliament for some time before he ceased to be one of its most distinguished Members, he paid the same attention to the forms of this House when he became one of its brightest ornaments. He (Lord Brougham) found him in their Lordships' House, bringing forward questions of finance without feeling the least scruple from the circumstance that the same questions might at the same time be pending in the Commons —not confining himself to what he could then have known of the proceedings of the other House through the "votes," but sometimes acting on his knowledge, otherwise acquired, of what was passing in that House. He remembered that noble Lord thirty years ago—it was in the spring of 1812, when a financial statement had been made by the Minister of the day in the Commons,—Lord Grenville, in his place in the Lords, complained of that statement, as one in which the Minister had deceived himself, and deluded the country; in order to support his charge, he moved for certain accounts, which he made the ground of an elaborate statement; and, as if to preclude for ever any objection on the ground of the Lords interfering on matter of finance, otherwise than by debating bills, and as if he had foreseen the frivolous objections now raised, and was resolved, by anticipation to put them down, with his high authority, he chose for the time of making his statement, the moment when the Household Bill had come up from the other House, and on the discussion of which it might be thought he could have more regularly introduced his observations, but Lord Grenville preferred to found his statement on the papers for which he had moved, rather than on the Household Bill; and before the debate on that bill was brought on, and independent altogether of that bill, he called the attention of the House to his difference with Mr. Perceval, and answered Mr. Perceval's statement. Nor was that the only occasion he took to assert the rights of the Lords to discuss and consider all matters of finance. In office he acted as he had done in opposition. In the early part of the year 1807, when his noble Friend (the Marquess of Lansdowne) near him, was Chancellor of the Exchequer, he brought forward in the Commons an elaborate plan of finance. While it was then under discussion, a noble relation of his brought forward a financial plan of his own in this House, which he offered as a substitute for the one then before the other House and moved that his plan be referred to a committee. Lord Grenville, then Prime Minister, objected to the motion, on the ground that there was no document to go before a committee, the noble Mover's proposition resting in statement merely. He resisted the motion on its merits, he argued on the plan; but as to the regularity or competency of the proceeding, on the ground of its being a matter of finance, or of the subject being then before the Commons, he uttered not one word. If it were at all necessary to add anything to the high authority he had just cited, he would give that of a noble Lord, whose loss at any time would be felt with deep regret, but whose recent loss made the mention of his name the more painful—he alluded to the late Lord Holland, than whom he had never known any one more amiable in all the relations of private life, more to be loved for his virtues, or admired for his acquirements and his capacity, or respected and followed for his devoted patriotism, and his steadfast attachment to the interests of the country. Lord Holland was, moreover, a careful observer of the forms of their Lordships' House, in the knowledge of which no man was more skilled, or more prone to recal those who, for a season, might be disposed to depart from them. He found that noble Lord in the year 1810 moving an address to the Crown to appoint commissioners to consider the management of the tenths and first-fruits which constituted the fund called Queen Anne's Bounty, intended for the improvement of the livings of the poorer clergy; and what was the occasion on which this motion was made? Precisely that on which a question was under consideration in the other House of granting 100,000*l.* out of the taxes, in aid of Queen Anne's Bounty, and Lord Holland's resolutions affirmed that instead of throwing the burden on the people, it should fall upon the ecclesiastical benefices. On the 11th of May he moved the address and resolutions, and it was not till three weeks after on the 2nd of June, that the grant of 100,000*l.* was moved by Mr. Perceval in the committeee of supply. The noble Lord had no other ground for his motion than the announcement made in the speech from the Throne at the commencement of the Session—such as that which he had mentioned as having been made at the commencement of the present Session. The motion was resisted solely upon the ground of an act of Parliament, to which Lord Holland had not adverted; but though on that ground Lord Eldon and Lord Grenville opposed the resolution, neither of them said one word as to the House of Lords anticipating a money question about to come on in the other House. He (Lord Brougham) thought he had now said enough to satisfy their Lordships as to the principle of the course he had taken on this occasion, and as to the practice in former times. He would now come to the subject of the resolutions. When he laid them on the Table on a former evening, he had said, with reference to the question of an Income-tax, that ordinarily the measure would not be discussed until it came up from the other House embodied in a bill. If he had objected to this tax on principle, and altogether and at all times—if he had declared an interminable war against it, like that in which he had struggled, and not without success, at a former period—if he saw no sad necessity now any more than he had seen then for resorting to this hateful impost—he might have waited till he had the opportunity of objecting to the bill itself, and declaring his inflexible hostility to it; but that was not the ground on which he went, and he trusted it would not be the ground on which their Lordships would decide. His opinion of an income-tax was the same as before, but he was not prepared to say, that the state of our financial embarrassments might not force us to resort to such a tax, when we found it impossible to adopt any other alternative. He must look to the origin of the present deficit. He was aware that he had been a party to a measure by which freedom had been granted to nearly 1,000,000 of slaves; he was a consenting party to the enormous price which we paid for that act—a price which, however great, was not, in his opinion, too great for that memorable act of justice, humanity, and true policy. He could not but know that one result of that measure was a charge on the revenue of the country to the amount of 700,000*l.* or 800,000*l.* per annum; and that this formed part of the sum which the country was now called upon to make good. The revenue was now charged with this amount, as the interest of the 20,000,000*l.* which we had paid to extinguish slavery in our colonies. He was a party, when out of office, to another great measure, a measure of the late Government, by which the cost of communication by the post was brought into such a moderate compass as to be within the reach of all. By that measure, however, there had been created an additiona deficit in the revenue amounting to between 800,000*l.* and 1,000,000*l.* Here ended his responsibility as to the amount of the deficiency in the revenue of the country; but, whatever was the cause of the remaining part of the deficiency, it was not his business then to inquire into it. The course he was taking, in submitting his resolutions to the House, was taken with no party view. Indeed, so far was he from any such intention, that he was anxious to guard against even an expression which could create a personal bias, and he wished to turn away the attention of their Lordships from any and from everything which could create the least party difference. He, therefore, would say not one word upon the measures which had swelled the deficit to its present large amount. That amount was admitted on all hands, and there were other charges to be met for which Parliament was bound to make provision. There was 7,500,000*l.* deficiency in the course of five years, and 2,500,000*l.* was the least that could be estimated as the deficiency for the next year, making, in the whole, the sum of 10,000,000*l.* for which Parliament had to provide. To this let him add, that the aspect of affairs in several (he was sorry he must use the term), in several parts of the East was not calculated to lessen our financial difficulties, but much the reverse. Then let him ask their Lordships, in these circumstances, did not a due care for public credit—did not a regard for the honour and security of the empire, demand that adequate exertions should at length be made by the Government and the Parliament to remedy this most serious evil, and to place the income on a level at least with the expenditure? The opinions of all men who had turned their attention to the subject seemed to unite in coming to this conclusion—that if they did not resort to the mode of making good the deficiency recommended by the Government, they had no other resource on which we could reckon for immediately relieving the pressure. Had they any other resource? He must say, that he could not see any on which to place sure reliance; but certainly there were none which could be available till it was too late. He had heard it vaguely said, that a lessening of the expenditure would make good the deficiency. How, and in what time? It would be absolutely impossible so to lessen the expenditure, consistently with the public service, to anything like the amount of the present deficiency, and within a short time. Well, then, it was suggested that by lowering the duties of customs and excise you would increase the consumption, and thus raise the revenue. All experience was against this resource for any immediate practical effect. Let not noble Lords imagine that he opposed the lowering of the customs and excise, or doubted the wisdom of this course. Quite the contrary. He entertained no doubt that increased revenue would ultimately be the result, the certain consequence of reduction in the duties—that such a relief would immediately remove many of the hardships which now pressed on the consumers, and in the end would increase the revenue as well as augment their comforts; but his opinion was, that such remedies would come too late to remove the present difficulties. They would tell, no doubt, in the course of time; but a much more speedy remedy was now required. Past experience afforded abundant illustration of what he thus stated. When his noble Friend opposite (the Earl of Ripon) was in office, about seventeen years ago, he most wisely made the attempt to get an increased revenue by lowering duties, and in that year the duties on wines were reduced 54 per cent. What became of the consumption? It was very much increased. But what became of the revenue? It fell fully one-third: instead of 2,100,000*l.* only 1,400,000*l.* was raised at first. And now, after a lapse of seventeen years, it had not come up to its former amount, but was at the present day still one-fifth less. The same might be said of tobacco. A reduction of the duty took place to the amount of 25 per cent.—from 4*s.* to 3*s.* He would not say that the consumption was not increased by this. It was, to a considerable amount, but there was also a considerable deficiency in the revenue, and at the present day it was less by about one-seventh than it had been before the reduction of duties took place. A great reduction had also been made in sugar. The duty was lowered from 27*s.* to 24*s.* per cwt., or 11 per cent. The consumption was extended. The comforts of many classes were increased. In fact, the reduction answered admirably for all purposes but those of revenue; the amount of duty received from sugar was still one-twelfth lower than under the old tax. The duty on hemp had been reduced 52 per cent., and the consumption was very little increased, but the revenue from it fell to one-half, and had not since recovered. There were, however, two exceptions to the fact which he had just stated. Those were the articles of coffee and rum: the duties had been reduced on both of these, and the revenue fell off at first, but in the course of three years it increased. The produce of the coffee duties had considerably increased, but three years elapsed before they even regained their former amount. No more, he thought, needed be said to prove that a reduction of duty will not bring an increase of revenue in a short time; and they who contend that a property-tax or income-tax has become necessary, need do no more than refer to the instances he had stated. The failure of the 5 per cent. on excise and customs to raise more than a half per cent., or one-tenth of the expected supply, strongly proved the same position. No doubt, as he had said, in the long run, the customs and excise would recover the loss which the reduction caused, and in some cases would afford increased revenue; but for present supply, to support the credit of the country, to carry on the public service, this remedy of reduced customs and excise would not suffice. Having now stated these grounds why Parliament should resort to the tax on income, it became his duty to show that the Legislature should take every security that, on the one hand, it should be continued only as long as the absolute necessity for it existed, and that, on the other, it should be stripped of all those incidents which had rendered the former measure so intolerable to the people of this country, as far as it is possible to remove them. A very great delusion prevailed in the country—at least amongst that large class, the labouring population, for whom he felt, and ever must feel, the most lively interest—as to the operation of the Income-tax on them. It was a common thing for them, and for those who instructed them, and who should know better, to say that the Income-tax could in no way affect them. There was no greater delusion than this. It required but little argument to show that the labourer was affected by the diminution of the fund out of which he was paid. When capital accumulated, the fund was increased out of which labour is paid: when it became diminished, the fund to pay the labourer decreased in the same proportion. The manner in which the Income-tax was levied, showed its effect on labour. You levy so much on men possessed of income; all that you withdraw from their capital—supposing them tradesmen, farmers, or manufacturers—comes from that accumulation which they had made this year, and would either spend next year in supporting labour, or lend to others who would so employ it. The money which they paid as an Income-tax was no longer an expenditure from which they could derive any direct advantage, for it was taken from them to be applied in another way—to support labour of another kind, which was not productive. If that amount were not taken from this class, it would be an accumulation, which would be laid out in the same or the next year. The classes of mere annuitants not in business, would employ their accumulated capital, if not taken as a tax, in lending it to those who could profitably employ it, or they would themselves spend it in articles of consumption, and other modes of domestic expenditure. That was the case of one class. In another class were the traders, the manufacturers, and the farmers of the country. He would take the first class, annuitants, because they constituted the class to whom the argument applied, perhaps, with the least stringency. Now, he believed that when a tax fell upon that class, the annuitants not in business, the last retrenchment they attempted to make was, in what brought them more prominently before the eyes of mankind—in what went to maintain outward appearance—in those things which went to give a colour and a form to their circumstances, as servants, equipage, and what is called establishment. But, unfortunately, the first retrenchment they made was, in that which put productive labour in motion—in articles of consumption: so that even this class of the community diminished the fund which they previously used in giving employment to productive labour. Then there was the other class, the persons employed in the trade, manufactures, and agriculture of the country—and with regard to them, he needed scarcely stop to remind their Lordships that, whatever was withdrawn from their fund, was, in fact, withdrawn from that which went directly to give employment to the labouring classes; that every 10*l.* which this class withdrew from their capital, by so much lessened the fund out of which the labour of the working community was to be paid. Their Lordships would remember that there was an essential difference between a tax upon incomes and a tax upon consumable commodities; inasmuch as the former was unaccompanied by any extension of the support and the stimulus given to labour: whereas the latter, at the same time that it put something into the Treasury, of necessity also put something into the fund out of which the productive labour of the country was rewarded. A tax of 1,000*l.* upon incomes added nothing to the productive labour of the country, whilst a tax of the same amount collected upon articles paying the duties of excise or customs, of necessity caused an expenditure of 1,000*l.*, or it might be of 2,000*l.* or 3,000*l.* more, which went to support the trade, manufacture, and agriculture of England. It was impossible to approach the arguments used, both by those who favoured, and those who opposed an income-tax, without being aware that the greatest mistakes prevailed on both sides; and it was necessary to keep clear of the errors of each of those parties. He should begin by applying himself to the arguments of those who opposed, or seemed to oppose the tax. It was a common thing to hear people say, "Oh, we have no great objection to an income-tax; on the contrary, we think that, under certain restrictions, it is very proper: it has many advantages; and, if properly modified, may be conducive to the national welfare;" but it was invariably found, that the first plan which such reasoners suggested for the modification of the tax, was the application of the impost, not to incomes at all, but simply to property. "We don't," say they, "we don't care what property you tax, but be careful not to touch incomes. Only tax the land and the funds." But when he came to dissect this proposition, when he remembered the grounds on which these persons argued, he found that it was rather the funds than the land that they had in their eye, and that, in point of fact, they had a great disposition to levy a tax exclusively on the fundholder; and he was sorry to say, that this sort of argument was not confined to those who possessed no property at all. It was, if anything, more strenuously defended by those who rather had lands than funds, and whose enmity, he grieved to say, as well as that of persons who had neither land nor funds, nor property of any kind, was directed against the funds. Men who argued after this fashion, were ignorant—utterly ignorant, not only of all the justice, all the honour of public dealings, but utterly ignorant also how the class was composed on whom they desired to throw the burden of taxation. He remembered, when he was in office with his noble Friend (Lord Ripon) ten years ago, that it became necessary for them to inquire as to the situation of parties in receipt of dividends. They inquired as to the stock warrants, which, as their Lordships were aware, would show the number of separate payments, but much less than the number of individuals interested in the stock. What was the result of the investigation? They found, that there were 280,000 warrants, and many of these embraced hundreds, he might say even thousands of individuals, for they referred to stock, the dividends on which were paid to insurance companies, the Bank of England, dock companies, railway companies, and other public bodies; so that if he said that 300,000 was the number of persons who received dividends, he should probably not exaggerate the number by a single unit. Now, how many out of this number received dividends under 100*l.* sterling a-year? Why, there were no less than 240,000 who received less than 50*l.* a-year, and there were only 600 who received above 1,000*l.* a-year; and the average of the whole 300,000 was an income of less than 100*l.*: so that a tax on the fundholders alone, the throwing upon them the burden of an impost which was not thrown upon the rest of the community, would not only be manifestly unjust, foully dishonest, and a robbery of the public creditor, but would be merciless to the poorer classes, and would cast the load upon those who were the least able to bear it. But then, it was said, property should be taxed, and not income. That there was a great difference between the capacity of property and of income to endure such a burden, no one was more ready to admit than himself. The proposition was one he had always asserted, and it would on the present occasion form the groundwork of his principal argument against a measure framed upon the plan of the old property-tax. But to say, that income should escape altogether, and that only capital should be taxed, was one of the greatest absurdities, as well as one of the most unjust propositions possible. Incomes might be named merely professional, to exempt which altogether would be utterly intolerable. There was a party, however, which went much further, and asserted the doctrine of a graduated scale, arguing that the same rate of duty ought not to be levied upon all amounts of income. To these, and to the persons who praise an income-tax as the most equal of all taxes, might alike be applied the observation of Montesquieu, upon the Abbé Dubost's account of the old French monarchy. That his theory had seduced a number of persons, because it took for granted the matter in dispute, allowed plausibilities to be substituted for facts, mistook suppositions for principles, and drew other suppositions as consequences from them. This was precisely the case with those who supported the plan of a graduated scale, on the supposition that under its operation they would arrive at something like justice between the rich, the moderately rich, and the poorer classes. But the same was also the accurate description of that doctrine which represented an income-tax as an equal tax; for it assumed that you can get at all kinds of income with equal ease, and when you have got at them, it supposed that all could equally bear the tax. Certainly never was there a greater mistake than this supposition; but the graduated scale is the worse error of the two. In the first place, had they any right to throw the whole of the taxes on persons with large incomes? Why should they not bear their just proportion —a proportion equal to that of persons in moderate circumstances? The amount paid by the latter class would not be the same; it would be much less, and in what respect less? Why, in respect of the proportion of their lesser incomes to incomes greater in amount. Nothing could be more just and fair than the principle of paying according to such proportion, and it was precisely that sort of justice and fairness which those persons said they sought who argued for the graduated scale. They argued that it would be manifestly unjust that a man of 1,000*l.* a-year should pay as much as a man of 10,000*l.* a-year. They desired that each should be taxed according to his means, and so far so good; and if each paid a tenth, or a thirtieth, each would pay according to his means. But this was not enough for them. They went further, and said, that instead of applying a tax of 10 per cent. upon all amounts—(the tax now proposed was 3 per cent., but 10 per cent. was the old income-tax, and he would refer to that sum for the purposes of argument)—they said that, instead of applying 10 per cent. to incomes of all amounts, 10 per cent. ought to be paid by men of 1,000*l.* a-year, 20 per cent. by those of 2,000*l.* a-year, 30 per cent. by those of 3,000*l.* a-year, and so on. That was their proposition, and a strange one it was, for it led at once to a conclusion which utterly and for ever destroyed the basis of justice on which it might at first sight be supposed to rest; for, of course, such a principle would cease to be just unless you could follow out the proposition, and go to the whole extent as far as it would lead you. Now, let them see to what this graduated scale would lead. The rate was to be arranged in proportion to the amount of income; because the reason alleged for varying the rate, was in order to make its rise keep pace with the rise of income. Very well; let them inquire if that was just, but also if that was possible. A man with 1,000*l.* a-year would pay 10 per cent., he who had 2,000*l.* a-year would pay 20 per cent., and the man with 5,000*l.* a-year would pay 50 per cent., there being no possible reason for not making him pay at a higher rate than the man of 2,000*l.*, which would not hold good against making the man of 2,000*l.* pay at a higher rate than the man of 1,000*l.* Then was the man of 10,000*l.* to be excluded from paying in proportion? Why should he? He was the richer man, he was the better able to pay at a higher rate; he was the greater criminal, and the fitter to be punished; he was the more tempting prey, and the rather to be hunted down; let them, therefore, apply the tax to him as well as to the rest. Then, of course, he would pay 100 per cent., and his whole 10,000*l.* a-year would go. Observe, there was no escaping from this conclusion. They must not try to get out of it by saying, "Oh, but I did not intend to say that; I never contemplated going on in the same proportion as I began." Such arguments as that would be wholly ineffective; for go on in what proportion they might, they would only postpone the evil hour; they would only put off the time, only shift the point at which they must inevitably arrive at last; the point at which the absurdity of their scheme became too glaring to bear the light. Let them take it in this way. Let them suppose that after 10 per cent. had been levied on the first 1,000*l.*, 3 per cent. additional only should be imposed for the next 1,000*l.*, 3 per cent. for the next 1,000*l.*, and so on in proportion. Then the man with 2,000*l.* a-year would pay 13 per cent., the master of 4,000*l.* would pay 19 per cent., and he of 8,000*l.* a-year would pay 21 per cent. more than the man of 1,000*l.* a-year, or 31 per cent. in all; and so on, until after some postponement of the evil point, you got up to incomes of 30,000*l.* a-year, when every farthing of that amount would go to pay the taxation; and incomes above 30,000*l.*, as 50,000*l.* or 100,000*l.*, would have to pay two or three times more than their whole amount. That was the proposition, and let them observe that its great recommendation was said to be its justice—that it would tax all persons according to their means; not making the amount more if the income were greater, or less if it were smaller—that was not objected to; but taxing the larger amount also at a larger rate, for no other reason than because it was a larger amount. Every one must see the absurdity of such a proposition, when it came to be considered. Every one must see that the only pretence on which it could rest was, that the measure of the income should fix the rate to be imposed. If they gave up that principle in its fullest extent they abandoned their argument altogether; and if they said, "We do not carry the principle to the extreme," then he would ask why they stopped short, and did not pursue their theory to its end? There could be only one reason, and that reason was, because they could not carry it to its consequences without exposing its folly—because the whole scheme was easily exposed as a gross and revolting absurdity. But he must be permitted to say, that in conducting the argument, he would not allow of any flinching on this subject. When a man laid down a principle, he would insist upon his following it to its consequences, and would not admit of his stopping to pick and choose with regard to it. They might as well allow a man, whose reasoning they had shown to be false, by showing the absurd consequences to which it led, to say, "Oh, I did not mean to arrive at that conclusion. I did not intend to go the length of asserting that two and two make five." No—very likely you did not; but you said that which by logical deduction from it led to the consequence that two and two are equal to five, and therefore you are proved to have said that which cannot be true. But, let him ask, was the mode of taxation he had spoken of adopted in any other part of their financial system? Did they make people under their own schemes of taxation, pay more because they were richer? The principle, as he understood it, was entirely opposed to this. The system of their taxation was that the people, whether rich or poor, should all pay according to the same rate, not indeed the same amount, but the same rate in proportion to their means. But those who maintained the graduated scale differed in the widest degree from this principle. They meant neither more nor less than that all taxes should be raised from a part of the community, and not from the community at large; whilst it was the principle of the existing taxation and of every sound financial system, that all classes should bear the burden, each according to his means, each according to his ability. The vast amount, nearer forty than thirty millions, levied on commodities, is all paid by the rich and the poor in the same proportion, the rich paying a much greater amount no doubt, as they ought, but paying at the same rate. All income then, if any is to be taxed, ought to pay the same rate, until you reach so low an income that the tax would fall upon necessaries—until you reach very small incomes; for any tax which would fall upon the poor and labouring classes—a tax upon necessaries, was contrary to every principle both of justice and of sound policy. Perhaps, he hardly had a right, speaking as he did in the presence of their Lordships, to talk of the universality of this principle. When he spoke of it as the result of all experience — as the deduction from all reasoning—that a tax upon the necessaries of life was contrary to every rule of justice, and a gross absurdity; he ought to state that there was one exception, a tax upon a commodity that should be nameless, but with that exception, at least, taxing necessaries was a sin against the first principles both of justice and of sound policy. Now, there being no doubt that the tax was to affect all incomes except the lowest —those who could not pay—and that it must be levied in this way—let us see what the inevitable consequences of such a tax must be, and how deeply interested the community were in resolving to shake themselves loose from it at the earliest possible period, and how much it was the duty of the Government, if possible, to modify the tax so as to vary its weight, not indeed according to the amount of the income, but according to the kind of income. He took the liberty of observing before, that many of those who were enamoured of this tax, formed their predilection upon the supposed fairness of it. They began by assuming that they could tax all income equally. A supposition was next made, and from that supposition an inference was drawn as fanciful and as hypothetical as the other; for they said that, having got a means of obtaining the income of individuals, and having levied a certain fixed rate for all incomes, they had got an equally distributed tax, and that all individuals would pay according to their power, and all classes according to their means and ability. He believed that there was no greater fallacy than this in the world; he believed it was an absolutely fallacious assumption; a fanciful supposition from the beginning to the end, and contrary to all experience; that the experience of all former property-taxes contradicted it; and it was most necessary to keep this fact in view, in order to prevent the continuance of this most hateful tax—hateful to every part of the community at all times—in order to keep the eyes of the community wide open to its nature, that they might not allow it to survive a year, a day, an hour, beyond the necessity in which the Government were placed of imposing it. Now, if he were to be told that he might wait till the measure was framed, and till, being framed and digested, a bill should be passed through the other House of Parliament, and brought up to their Lordships, his answer was this—that it would be too late. Those who were against any such tax at all, and who saw no necessity in the present state of our finances to resort to such an expedient—they might very consistently say, "Wait till the bill comes here." But his (Lord Brougham's) belief was, that the Government was driven to it; that there were no means of avoiding it; that the very existence of the country required the filling up the lamentable deficiency in our revenue; and, let the bill come up to their Lordships in ever so objectionable a shape, they must reject it or accept it as it was; they could not dare to make any alteration in it; they might not vary a single clause, or it would be thrown out by the other House. Now, there was one point to which he wished particularly to call the attention of his noble and learned Friend on the Woolsack (Lord Lyndhust). If an income-tax bill came from the other House, and the bill was framed upon any thing like the same model with the former income-tax bill, it would not only contain a great many money clauses, but a great many provisions of another description, not affecting the pecuniary interests, but the most important rights of her Majesty's subjects. The whole machinery of the tax—the establishment of boards—the powers of the commissioners—the right of appeal,—all the judicial or *quasi*-judicial parts of the act—all these were parcel of that measure; and in all the corresponding parts of the present bill, their Lordships would be incapable of introducing any amendment, unless they chose to reject the bill altogether. In fact, their Lordships would be so situated that they could not exercise their judgment upon matters peculiarly suited to their own functions, because these matters were mixed up with that which was exclusively within the cognisance, or in practice was claimed as exclusively within the cognisance, of the other House; and thus their Lordships could not prevent any detail of judicial arrangements from passing just as the Commons had framed it, unless they wholly rejected the bill. And what would be the consequence of doing so? The public service required an immediate supply; however objectionable any clause might be, and however contrary to justice as well as to law—though it might contravene all right and all law—however bad it might be, let them alter it at their peril, or amend any one blunder in any one word of the clause, however glaring—at their peril let them touch it. Why? Public credit was at stake, and delay might be fatal to, he did not know how many important interests. Then he did entreat the attention of their Lordships to this subject, and especially that of his noble and learned Friend on the Woolsack, who must be fully aware of the necessity of some precaution in these respects. Why could not the bill be divided into? Why not make one bill the money bill, and make the other consist of the provisions not within the exclusive privileges real or supposed of the Commons House? It would not be inconsistent with the privileges of that House, and would not be a deviation from its purpose, to frame two bills, and send one up to their Lordships as a money-bill, and the other as a bill with which they could deal. He saw no objection to that course, and he was satisfied that it would be attended with advantage. He wished to speak with all possible respect of the privileges of the other House, but he wished to give some answer to those who said, "See what clauses come up to us from the Commons! See what mistakes are made! How could such a clause ever find its way into such a bill?" He was disposed to give the same answer as that given by Lord Liverpool to Lord Grenville, who once observed, from the votes of the other House, that strange absurdities had found their way into bills then in progress through the Commons. Lord Liverpool did not at all object to this interference of Lord Grenville with a measure pending elsewhere; but he gave for answer, that there had been so great a pressure of business in the other House, referring to the inquiry going on into the conduct of the commander-in-chief, in 1809, that the Commons had not been able to mature the measures which they were obliged to send up, from the exigencies of the public service. That was the answer he (Lord Brougham) should give to those who objected to many of the bills which came from the other House of Parliament. It furnished, however, the strongest reasons for this House severely revising those bills, and he had shown how it might have an opportunity of revising those parts of the Income-tax-bill which are not connected with money. But now, with regard to those which were money clauses, and in respect to which no such arrangement could be made—another course was necessary; their Lordships having no means of altering those clauses, were now called on to consider their principle; and he said, it was a very great fallacy to suppose there was any uniformity in the same rate, applying to all incomes, where they were of the same amount but of different descriptions. "You say," continued the noble and learned Lord, "you impose an uniform tax; and you take 3 per cent., or 10 per cent. from the landlord, and the same from the tenant, and you estimate the profits of the tenant; and how do you estimate his net profits? If the framework of this measure is to be like that of the former Income-tax, which yielded, in 1815, a gross sum of 16,500,000*l.*—if, on the ground of its success, this measure is likely to be framed upon the same principle—see the great inequality of that scheme. The tenant's income was taken at a certain proportion of the rent; it was assumed that the tenant's profits were equal to three-fourths of the rent he paid to his landlord, the Scotch tenant one-half, and the English tenant three-fourths. I assume that you do not mean to raise the Scotch tenant to three quarters, (which you would find it somewhat difficult to do,) but that you will lower the English to one-half, taking the tenant's profits everywhere at one half his rent. But does it follow that a tenant in all cases makes a profit equal to half his rent? Does every tenant who pays a rent of 1,000*l.* realize a profit of 500*l.*? Does every tenant who pays a rent of 600*l.* gain a clear profit of 300*l.*? I will undertake to say it is not so; and indeed wherever land is let low the tenant's gains are the greater. You are in search of profits—you admit you do not intend to tax land, but only the profits arising from the land; but whilst you think you are taxing profit, you are in reality taxing capital. Suppose money laid out in improvements on a farm—that a high rent is obtained from the tenant, and that he gets high profits; if he has improved during his lease, you take his income, not as his real profits, but according to his rent; and so far there may be no harm done. But suppose a party farms his own land, and invests money in improvements, so much this year, which is vested in the land, so much next year, and I will say he stops there; the two years' expenditure comes from his capital, and is invested in improvements. On what speculation? In hopes of reaping a benefit from it at some time to come. Upon this principle he laid out his capital, receiving for the present no profit, no income at all, in order that in some few years the profits from his land should be increased, either by obtaining a greater emolument, if he retained it in his own hands, or, if he let it, by receiving a larger rent. But the tax-gatherer steps in between the outlay and the return, and says, "Oh, this is not invested capital, but income and profits, and I tax it as profits." Now, is that fair? Is that taxing income? No; it is taxing expenditure and capital; you grasp at profits, but you seize capital; you affect to take interest, but you lay hold of principal; you snatch at the fruit to pluck it, but you tear away the branches and wound the stem of the tree; you say you only want to tax income, and you tax expenditure. I take an example from the farmer, but the same principle applies to trade, and perhaps more strongly. Suppose a manufacturer has erected a mill, or an iron master has built furnaces, at a large expense, say 7,000*l.*; he did this not to sink the money for an annuity; it was capital expended in trade to be returned with a profit. But in what shape returned? In the shape of income, not at 4 or 5 per cent., that was not the rate of interest for which his money was laid out, but to return 10, 15, or 20 per cent., that he might in a few years be able to replace with a profit the capital he had expended; and yet, though this is capital invested, and no return is really made by income, except as to the profits, the whole, capital, profits, and all, is brought within the Income-tax and made to pay, as if it were landed estate or an established trade transmitted from father to son, in which there had been no outlay except the ordinary expense of repairs or of the wear and tear. If these are hard cases with reference to the farmer and the trader, the case is still harder of the life annuitant. You tax the life annuitant as if he were a capitalist, and yet he has no power to alter his investment, or to break in upon his principal, or to provide for a family, or to meet an unforeseen expense, and is compelled to subsist upon a certain annual income. I know that there are great difficulties in dealing with particular cases, from the endless variety of circumstances;

but this is only a reason against the tax, and no reason for not making it as bearable as such an impost can by any contrivance be rendered. One man has an estate in fee simple of 5,000*l.* a year, with power to provide for children, and to deal as he pleases with it; he expends what he pleases, he has the fee simple of the land. Another is only tenant for life, the estate being tied up in strict settlement, without any power beyond his own incumbency to the extent of a shilling; and yet the income-tax of 1815 (the last tax) held both liable to an equal amount of tax, giving no abatement to the mere tenant for life, who was without the power of incumbering the estate one farthing. I cannot help thinking that some more equitable course might be taken in such cases. But if the observation applies to estates for life, as compared with estates in fee simple, how much more powerfully does it apply to another case—that of the professional man? I can conceive nothing more deplorable than the situation of a professional person whose income is reduced by the weight of this tax—a tax to which he cannot, if honest, escape —a tax which no honourable man would endeavour to escape — a tax which it may be utterly impossible for many such persons to pay without reducing them to a state of embarrassment truly painful to contemplate. Having no capital to support them in case of emergency, their whole subsistence, and that of their family, and the chance of a provision for that family, depending upon their personal exertions; where illness, weakness, altered circumstances (without any fault aye or any failure of their own) may concur to overwhelm them; with none of the resources of capitalists, and with no means of borrowing money to help out the diminished income; and exposed to all the hazards which beset professions—I lay on one side, and set off in favour of the trader, and as against the professional man, the chances of a profession—of my own profession, or the medical profession, in which success depends, in a great degree, upon the party's own exertions—I set off in favour of the trader those risks to which he is exposed against those chances which beset the path of the professional man; against the variations in the gale of popular favour, whence the frequent client no longer besieges the door at early dawn, I set off the winds that buffet the trader's vessel; let all these hazards be equal to both classes; but still the lawyer, the physician, the divine, the literary man, have serious risks, and many difficulties of which the capitalist knows nothing. The professional man, to live, must continue in health and strength:—a weakened mind and exhausted spirits; —a debilitated frame, worn out by mental labour;—disease and premature decay suspending his powers and cutting short his life, after reducing him to misery, leave his family to perish,

> "Optima quæque dies miseris mortalibus ævi
> Prima fugit: subeunt morbi, tristisque senectus:
> Et labor, et duræ rapit inclementia mortis."

The noble and learned Lord proceeded to say, that he hoped and trusted some attention would be paid to the peculiar situation of professional men, before the decree went forth that they should be taxed at the same rate to which those who derived profit from the land, the funds, and trade, were about (he must say justly, if unavoidably) to be subjected. If other incomes were subjected to 4 per cent., and those of professions, clergymen, physicians, lawyers, and literary men, were taxed at 2 per cent, he thought the possessors of those higher-taxed incomes would have no reason to complain. But it did not appear necessary to increase the rate on income derived from property; keep it at 3 per cent., and lower the rate to 2 upon professional income, and he thought there would be still enough to supply the deficiency. It was dangerous to speculate upon subjects of finance, but he believed that the probable amount of this tax had been greatly underrated. He believed that the tax would yield a larger sum than had been calculated; and though the more this tax yielded the greater was the abhorrence with which he viewed it, he derived one consolation from considering that the amount would be so much greater; for the more productive it was, the sooner would the hard and cruel necessity of imposing it be at an end. The reason why he thought the amount of the tax had been underrated was, that it had increased very much during the last four or five years of its former existence. In the time of Mr. Pitt, the income tax from 1798 to 1802 averaged 5,500,000*l.* a-year. [Lord Bexley here observed that it began at 4,400,000*l.*] Then it never exceeded 5,500,000*l.* There had been a great change in the frame of the measure when

Lord Sidmouth became finance minister, and he thought it impossible to give to that nobleman greater praise than he deserved, for the ability, boldness, and extraordinary vigour of the measures with which he met the financial difficulties of the time when he was called to act. Among other things, he had made the income-tax effectual; in one sense more intolerable, and therefore the more clearly to be suffered only during the war, but in another respect less grievous, because more equally levied and less easily evaded. The principle was to make those pay who had no interest in concealing the income, and leave them to deduct the tax from the owner of the income. Thus the tax was laid on tenants, and their rents might be got at; and they were allowed to charge their landlord; the debtor was made to pay, and to deduct the payment from his creditor, whom he had no interest, probably no inclination to screen. Generally speaking, that was the principle of the act. What was the consequence of this ingenious contrivance of the noble Lord opposite (Lord Bexley) and Lord Sidmouth? The tax soon rose to 10,000,000*l.*; it had got to 12,500,000*l.* about 1810, and in the next five years the gross produce rose to 16,500,000*l.* But he thought the tax would now exceed the estimate from the produce under the three schedules, A, B, and D, including landlords, tenants, trades and professions; for in those schedules their Lordships would find that the amount increased in the seven years from 1807 to 1814 no less than 3,500,000*l.* Making an allowance for the depreciation of the currency, there was an improvement of 3,000,000*l.* in seven years, and about 1,500,000*l.* in the last three years. For some years the tax on trades and professions had not increased materially, only 7000*l.* between 1810 and 1813; but this was owing to the commercial distress; and in 1814, there was an increase of upwards of 400,000*l.*, being very nearly the same in amount as the increase upon the taxes levied on landlords and tenants, and much greater in proportion. Trade had then resumed its activity; and, if they found that there was this constant increase not only in the income tax levied upon land, but also upon trade, it followed of necessity that after the termination of the war there must have been some increase at least going on in the taxable income of the country. Allowing all the improvements in agriculture since the war to go for nothing, allowing that all the new land brought into cultivation could only be set off against the lowering of rents in other parts of England, then you would still have to calculate upon an increase in the taxable income derived from trade, manufactures, and commerce in all its branches, and that increase must of necessity be very considerable. Recollect that during that time 25,000,000*l.* of war-taxes were given up, and that the increase to which he adverted had taken place while you were raising that large amount of war-taxes. Notwithstanding this enormous capital withdrawn from employment, and notwithstanding the lavish expenditure of the war, the income of the country had gone on increasing. It was, therefore, certain that upon the remission of those taxes there must have been a considerable addition made to the taxable income of the country. For his purpose it was not necessary to show an enormous increase. It was only necessary for him to show such an increase as would relieve tenants from a portion of their share of an Income-tax, the owners of life estates, and the professions, from a portion of their share. It was only necessary for him to show so great an increase of taxable income, as would raise your estimate of the amount to be derived from a 3 per cent. tax, enough to enable you to spare a little the farmer and the professions, whether lawyer, physician, divine, or literary man. He hoped and trusted their Lordship would be of opinion that he had made out a sufficient case, in the first place, to stamp upon their minds, and, if he could prevail upon their Lordships to record upon their journals, the fixed determination that an Income-tax, if by necessity it must now be imposed, should not survive that necessity by the fraction of a year; and in the next place, that any Income-tax to be so imposed, though it could contain no variation of rate as between one amount of income and another, should yet contain a just and reasonable variation of rate as between one kind of income and another. He had not as yet said a word upon that part of an Income-tax which, after all, was at once the most hateful and the most difficult to avoid—he meant its inquisitorial character. As if it were the fate of this tax, in all its operations, to fall most unequally upon different persons and different species of property in different classes of the community, instead of being recommended, as it was most vainly and thoughtlessly said to be, by its great equality; as if it were the fate of this tax to fall unequally in all its pressure, so in this, the worst part of its pressure, its inquisitorial action, it fell most unequally upon different classes. What was it to the fundholder to let the extent of his income be known, a thing which of necessity must be known to all mankind? What was it to the person in a public office, whose income was as well known as the name of the office itself? Compared with the trader and the professional man, what was it to the landowner? Most men's incomes in the country were pretty well known through their tenants, though their debts were less known; and it might be that the landowner was sufficiently punished by having his incumbrances inquired into. Still, what was it? It was a great inconvenience. But what proved only an inconvenience to him, might be absolute ruin to the trader. It was not a matter of morbid sensibility, of wounded vanity or pride, or what you will, that made the trader averse to have any one prying into his concerns. To him, it might be a matter of life or death to have it known in what circumstances he was placed. The consequence was this, that he was fain sometimes to pay upon a much larger income than he really possessed. He gave in his account sinking his losses, which, if he disclosed, the next year might see his name in the "*Gazette*." It was said, that these things were told to honourable persons, that they were not made public, that they were brought before a board, and that it was commissioners only to whom they were revealed. But, then, they were commissioners not of the trader's own choosing, and they might be of all the community just the very individuals from whom he would rather conceal the exact state of his affairs. This inquisition, therefore, only added to the horror with which an Income-tax must be regarded—only increased, if it were possible to increase, the repugnance which all men must feel to giving, and embittered, if it were possible to make more bitter the pain, with which every man must give, his consent, as a matter of necessity, to the imposition of such a tax. It also made clearly and undeniably necessary the resolution of the Government—whether the Government resolved or no he cared not—but the resolution of the Parliament and the people of this country, that by one hour after the necessity should have ceased, so odious an impost should no longer be suffered to endure. That it should light upon all classes which could afford to pay it; that the burden should be borne by all ranks which were in a condition to bear it; every one must admit: and it was his unspeakable gratification to have been informed that these sentiments were not his only, or their Lordships', or the sentiments of the people at large, but that the wishes of the people, and their Lordships' wishes, had been nobly and graciously anticipated; and that long before the time arrived, when they had the opportunity of breathing those wishes, a resolution had been taken that the burden which necessity alone could justify the Government in proposing, and Parliament in laying, should be borne by the highest as well as by the humbler classes of the community. It was the fiction—the decorous fiction—of our Constitution, that for the discharge of all painful duties the Crown had responsible advisers; but that every act of grace and favour proceeded from the monarch himself. On this occasion, however, he spoke not the fiction of the Constitution, but the truth of the fact, when he said, that the monarch herself, and not the minister, was to be thanked for this act of grace. He had detained their Lordships, he should, on any other occasion, say, a most unreasonable time, but on one of such moment as the present, and so deeply interesting to the whole community, he could hardly suffer even his respect for their Lordships to betray him into asking their excuse. He gratified no personal feeling, he performed an irksome office. He yielded up, or rather he suspended, his implacable hostility to the policy of an Income-tax, only because he felt it to be required by the pressing necessities of the country. He sought no party favour, for he had stated doctrines on the one hand differing from those of his noble Friends opposite, and on the other hand, doctrines to which his noble Friends near him probably would not accede. He courted no favour out of doors, for he set his face alike against the open robbery of the public creditor, and the disguised confiscation of a graduated scale. He had discharged his duty as a Member of Parliament in the manner and at the season which reflection upon the subject, and an anxious attention to the whole state of the question, taught him to believe were the fittest to meet the exigency of the occasion; and he now closed his remarks with expressing this one additional regret, he must call it, for the tax now seemed to be inevitable, that what ought to have been our resource in war, and ought to have been reserved for a time of war, should unhappily, from dire necessity, be resorted to in a time of peace; although ever since 1816 he had fondly hoped otherwise, with his late Friend Mr. Wilberforce, who upon that occasion gave a sound and a memorable advice.

> "Let this tax," said he, "always be wedded to war, not only that the people may be relieved from such a burden in time of peace, but that the people and that humanity may have less risk of war; when those in whose hands the waging of war, or the keeping of peace may be, are aware, and when the people are aware, of the cost which war must entail upon them."

But he might have added, and this doubled the regret with which one saw such a magnificent national resource as this presented for a time of war anticipated and resorted to in time of peace—he might have added, that the bare knowledge by the rest of the world that we had this splendid resource upon which to retreat, that we might levy, as we did before, by war-taxes, upwards of 20,000,000*l.* in one year, to support the necessities of the war—he might have added, that the bare knowledge of that fact incalculably increased, and to a certain degree, notwithstanding our now having recourse to it partially, it must still increase the weight, the power, and the influence of this country in all its negotiations and all its proceedings—an influence which it might possess, which it ought to possess, and which he hoped it ever would possess, as long as the moderation, and justice, the conciliatory and peaceful spirit in which its immense power was wielded should entitle it to the possession, but not one instant longer; as long as it acted in that spirit, as long as its power was wielded with a firm hand, but directed by a just and conciliatory spirit, its influence would never be grudged by any, because its conduct would be respected by all. The noble and learned Lord then moved a series of resolutions; for which, see ante 508.

The Earl of *Ripon* was not at all surprised that his noble and learned Friend had felt it to be his duty to bring under the consideration of their Lordships in the manner he had done the very important question which they might hereafter have to consider under circumstances much more favourable to its consideration than the present. He recollected the course taken by his noble and learned Friend in the year 1816, when he succeeded in inducing the House of Commons of that day to prevent the continuance of the Income-tax after the cessation of the war; and although, speaking of that transaction in a mere financial point of view, he might retain the belief, that the success of his noble and learned Friend's efforts, to a certain degree at least, contributed to aggravate the difficulties of the financial position of the country in subsequent years, yet he could not say, that his noble and learned Friend was not justified in the course he had taken. He quite agreed with his noble Friend, as to the necessity of reserving that which he had truly described as a splendid resource for times of imminent and pressing necessity, which must be held to transcend all other considerations. He gave his noble and learned Friend full credit for the motives which induced him to come forward on the present occasion as the advocate of a measure which he so well appreciated, the character of which he so powerfully described, and which his noble and learned Friend now felt to be indispensably necessary for the support of the interests, if not of the independence, of the country. There were many things stated by his noble Friend in the course of his powerful, clear, argumentative, and eloquent speech, which he thought it was impossible for any man to dissent from. No one could deny the self evident truth of the first proposition contained in the noble Lord's resolutions, or the general truth of the second. There were three points in them which, as abstract truths, were quite undeniable, as were also many of the arguments by which his noble and learned Friend supported them; but he must confess, that he could not reconcile to his mind the adoption of these resolutions in the state in which the question then stood in their Lordships' House. He could not agree in thinking, that it was either convenient, judicious, practical, or safe for that House, upon the first information, that a question, was likely to be brought forward in the other House of Parliament, immediately to proceed to record a deliberate set of resolutions, which, if adopted, and ultimately turned out to be inconsistent with the bill which the House of Commons might send up, would place their Lordships in the extraordinary, he was going to say ridiculous predicament, of either being compelled to reject the bill because it was not founded upon the principle they had solemnly recorded, or else to retreat from their own solemnly recorded opinion, and accept the bill without the conditions which they had previously decided ought to belong to it. It appeared to him impossible, that the business between the two Houses of Parliament could be safely transacted in this way. His noble Friend laid it down as a principle, which he did not dispute, that they had always claimed the right, and had never abandoned that claim, of dealing with their taxation-bills by alteration as well as rejection; but then years and years had elapsed since they had thought it judicious or practically consistent with the transaction of business between the two Houses of Parliament rigidly to enforce that right, and so deal with those bills. Would they not then be doing the same thing, only in a different manner, if they determined, that a bill upon a particular subject should be founded upon certain principles? Would they not be saying to the House of Commons, "Now mind, we don't profess the intention of altering your bill; we claim the right of doing so, but we know you deny that right: we don't mean to have a collision on the point, but mind, we tell you beforehand, that your bill must contain certain propositions, and be founded upon certain principles, or we cannot receive it." That would be an exceedingly awkward and inconvenient mode of discussing a question of this kind. His noble Friend had referred to certain cases, and first, that of Lord Grenville, than whom no one certainly better understood all the constitutional bearings of the proceedings in both Houses of Parliament. The first case referred to, in which Lord Grenville was concerned, related to a bill for the purpose of regulating the Household. He did not remember all the circumstances to which the noble and learned Lord had referred, but he understood the noble and learned Lord to say, that when that bill (which the noble and learned Lord said was in some sense a money bill) came up from the Commons, Lord Grenville took the course of moving for a committee of their Lordships' House upon it.

Lord *Brougham:* No; it was before the bill came up, that Lord Grenville addressed the House. Mr. Perceval had made a financial statement in the other House, and then Lord Grenville addressed their Lordships' House, but it was upon papers, and in a manner wholly unconnected with the bill, although it did happen, that that bill came up on the very same day.

The Earl of *Ripon:* At all events, the House did not adopt Lord Grenville's proposition, because they saw its inconvenience, and the fact only went to show, that under peculiar circumstances, and to a certain extent, Lord Grenville thought it possible for the House to take a particular course.

Lord *Brougham:* Lord Grenville did not move resolutions, he only discussed the question upon papers.

The Earl of *Ripon:* So much the stronger case, then, was there against the noble and learned Lord, who had moved resolutions, by which resolutions, if adopted, that House would be bound hereafter. The other case adduced by the noble and learned Lord with reference to Lord Grenville was one with which he was not familiar, and therefore, he would offer no remark upon it. But the noble and learned Lord had alluded to a case in which he had referred to a noble Friend of his now no more (Lord Holland), as to whose public spirit, and those other qualities which the noble and learned Lord had ascribed to him, no man would be more ready than himself to bear testimony. It appeared, that in that case the Commons had entertained a measure for the purpose of paying out of the consolidated fund 100,000*l.* for a certain purpose connected with the Church; he believed for the increase of small livings. What did Lord Holland do on that occasion? He did not call upon the House to record a deliberate opinion, which would have been improper; but he asked for a committee to inquire whether out of the revenues of the Church itself, might not be found the means of doing what was required. That appeared to him to be no interference whatever, directly or indirectly, with the privileges of the Commons; for there was nothing in the appointment of a committee, or in what might have followed from it, to pledge their Lordships' House to adopt on that occasion a course different from that of the other House; *non constat*, that they would have objected to that aid out of the public revenue which the Commons were then disposed to give. Therefore, that case did not bear out the noble and learned Lord on the present occasion. He felt himself absolved from the necessity of entering at length into the topics on which the noble and learned Lord had enlarged with so much talent and ability, although he might be disposed individually to agree in many of his remarks; and, entirely concurring as he did in the noble and learned Lord's declaration, that the proposed tax was a resource to which Parliament ought not to have recourse, except under the pressure of dire necessity, still, unless the noble and learned Lord thought he had reason to believe (and the noble and learned Lord had not indicated any such belief) that there existed a design on the part of the Government to entrap Parliament into the passing of this act on the plea of absolute necessity, and for a limited period only (so limited, indeed, as to render it necessary for Parliament to consider it at a very early period)—unless the noble and learned Lord thought them mean and shabby enough so to trick Parliament in order to get the measure passed, and then afterwards to continue it as a permanent tax—unless this was the case, and there were grounds for it which the noble and learned Lord did not even suggest, he did not see why, as a preliminary step, their Lordships should be called upon to declare by resolution their opposition to it. He was quite sure, however, that the noble and learned Lord did not think they deserved to labour under any such imputation. Under these circumstances, it appeared to him, that there could be no occasion for adopting these resolutions. There was one point, however, on which the noble and learned Lord had laid great stress, which he did not mean to discuss, but to which he must refer, because none of the resolutions of the noble and learned Lord touched it; he alluded to the subject of the mode in which the Income-tax was to be levied—the machinery by which such income was to be ascertained. The noble and learned Lord had laid great stress upon that branch of the subject, and had described in glowing language the severity and hardship, and injury that would be caused if the inquisitorial mode of inquiry were carried on. Yet, although the noble and learned Lord had dwelt quite as impressively upon that case as upon the cases of the tenant at will, of persons holding life interests, and of those in trades and professions, there was no resolution affecting it. But if the objections of the noble and learned Lord on that head were well founded, and if a bill should come up containing clauses regarded on that ground as objectionable, their Lordships would still, if they could not consent to those clauses, have no alternative but to reject the bill. Therefore it appeared to him that the resolutions of the noble and learned Lord did not go far enough to secure the attainment of his own object. Looking, however, at the relative position in which the two Houses stood, it could not but be regarded as an extraordinary course, that their Lordships' House should in the first instance lay down certain principles, so that if a bill came up from the other House that did not accord with those principles they could have no alternative but to reject it. That ground alone, in his mind, sufficiently showed that they ought not to agree to these resolutions, and he should therefore take the opportunity before he closed of moving the previous question. Before he did so, however, there were two observations of the noble and learned Lord in which he desired to express his full and entire concurrence. The first was in relation to one of the resolutions—one which, for the reasons that had been stated by him, he conceived could not now be put. He alluded to the third resolution, which referred to the call which the nation had on the highest personage in the country to share in the general pressure of taxation. The noble and learned Lord had, with more eloquence than he could command, alluded to the feeling, the delicacy, the promptitude with which that illustrious personage had expressed, through her Minister, her readiness to concur with her people in bearing any burden which the necessities of the State might require. But though he was not able so eloquently to express his feelings, he felt as strongly on the subject as the noble Lord did, and he did not think there was a man, woman, or child in the country who would not share in the gratification which that announcement had produced. The other observation of the noble and learned Lord to which he desired to refer, was that relating to the feeling which other nations of the world might entertain as to the power and resources of this country. Though it might be true, that those nations would necessarily become impressed with the vast resources which this tax would give to the Government in time of war, he could not but think that that very circumstance of our being prepared by a sense of necessity, in time of peace, for a limited time, and for a particular purpose, to impose such a tax, which the people were prepared to submit to as a great effort to restore the finances, he thought that this very circumstance would more than anything tend to show the world the power and resources of this country, and induce those nations not to swerve from that course of friendliness and conciliation with regard to this country which the noble and learned Lord had described, and which he believed it was the disposition of all foreign powers to continue to pursue in conducting the affairs of the world. The noble Earl concluded by moving the previous question.

Lord *Brougham* explained, that he had omitted any resolution with reference to the inquisitorial nature of the proposed tax, because he was not to know that the bill would contain clauses of that nature, but at the same time he had felt that the very nature of an Income-tax rendered some such machinery necessary. If there should be such clauses in the bill, when it came up they could be considered without the difficulties which would attend the money clauses.

Previous question put, and it was agreed *nem. con.* that Lord Brougham's resolutions should not be put.

Adjourned.

HOUSE OF COMMONS,

Thursday, March 17, 1842.

MINUTES.] BILLS. *Private.*—1° City of Glasgow Life Assurance and Reversionary Company; Haddingtonshire Roads; Liverpool Poor; Camburslang and Muirkirk Roads; Aberdeenshire Roads; Kirkintolloch Roads; Inchbelly (Glasgow) Roads; Piel Pier and Harbour.

3° and passed:—Clee Inclosure; South Eastern Railway.

PETITIONS PRESENTED. By Dr. Bowring, and Mr. Dennistoun, from Irvine, Glasgow, and several other places, for a Repeal of the Corn-laws.—By Mr. Greenall, and Mr. Grimsditch, from Wigan, and Macclesfield, for a Bill to Prevent Brewers Casks from being Distrained for their Customers Rent.—By Mr. Elphinstone, from the Ward of Cheap, for the Redemption of the Tolls on Waterloo, &c. Bridges.—By Mr. Ferrand, and Mr. Colville, from several places in Staffordshire, Derbyshire, and Warwickshire, against the New Poor-law, and in favour of Gilbert Unions.—By Mr. Hutt, from the Gateshead and Tyne, and Newcastle General Shipping Companies, against the Proposed Addition to the Duty on Coals.—By Mr. O'Connell, from Derry, that the Ironmongers Company may be compelled to adhere to their Charter, and grant Freehold Leases of their Lands instead of Letting at Will.—By Mr. Muntz, and Mr. Redington, from Millowners of Stratford-upon-Avon, and in Galway, for Encouraging the Importation of Grain in preference to Flour and Meal; from Alnwick, against the Corn Importation Bill.—By Mr. Dennistoun, from Glasgow, for a Repeal of the Union.—From Manchester, and Salford, against the Buildings Regulation and Boroughs Improvement Bills.—From the Glasgow, Paisley, and Greenock Railway Company, for Alteration of the mode of Charging the Duty on Passengers by Railways.—From Worcester, and North Shields, against the Exportation of Hill Coolies from British India.

EDINBURGH AND GLASGOW RAILWAY.] Mr. *Oswald* moved that the Members for the City of Glasgow, and for the counties of Dumbarton and Lanark be added to the committee on the Edinburgh and Glasgow Railway Bill.

Mr. *Greene* said, that an application of a similar nature, in relation to the Severn Navigation Bill, had been referred last Session; and, therefore, he thought the hon. Member for Glasgow ought to make out a strong case to induce the House to accede to his motion.

Mr. *Oswald* said, the railway went to Glasgow, passed through a great portion of the county of Lanark, and went close to the county of Dumbarton, and as it had been referred to the South Eastern list, no Members connected with those places would serve upon the committee.

Mr. *Estcourt* said, it was true the bill had been referred to the South Eastern list. As the railway went from Edinburgh to Glasgow, the bill might with equal propriety be referred to either the South Eastern or the South Western list, and as the South Western list had several bills under their consideration, and the South Eastern list none, it had been thought best to refer the bill to the list which was least burdened with business. As some inconvenience was likely to result if the hon. Gentleman's proposition were not acceded to, he was willing to acquiesce in it.

Mr. *Fox Maule* was understood to approve of the course adopted by the hon. Member for Oxford.

Mr. *Labouchere* said, he was much surprised at the opinion expressed by the hon. Gentleman opposite, at the same time he had so much confidence in him, that he did not wish to set his opinion in opposition to that of the hon. Member; but he must say, that the House ought to be very cautious how they departed from general regulations. This might be a precedent which would lead to many applications, not only from Scotland, but from other places, and in many instances very good cases might be made out for placing certain Members on committee.

Mr. *Loch* thought the House ought to consider, before it assented to the motion, as he conceived the hon. Member's proposition would be a very dangerous precedent.

The House divided—Ayes 46; Noes 25: Majority 21.

List of the AYES.

Aglionby, H. A.
Allix, J. P.
Bailey, J.
Barnard, E. G.
Bowring, Dr.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Alex.
Codrington, C. W.
Cripps, W.
Dennistoun, J.
Dick, Quintin
Dodd, G.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, G.
Ellice, E.
Elphinstone, H.
Estcourt, T. G. B.
Ferguson, Col.
Hastie, Archibald
Hatton, Capt. V.
Hay, Sir A. L.
Heneage, E.
Hepburn, Sir T. B.
Hill, Lord M.
Hutt, W.
Johnston, Alex.
Lennox, Lord A.
Lockhart, W.
Lygon, hon. General
Mackinnon, W. Alex.
M'Taggart, Sir J.
Miles, W.
Muntz, G. F.
Napier, Sir C.
Neeld, J.
Redington, T. N.
Rolleston, Col.
Sheil, rt. hon. R. L.
Somers, J. P.
Somerset, Lord G.
Stuart, Lord J.
Tollemache, J.
Trollope, Sir J.
Tufnell, H.

TELLERS.

Oswald, Mr.
Maule, Fox

List of the NOES.

Baillie, H. J.
Baldwin, C. B.
Brotherton, J.
Burroughes, H. N.
Collett, W. R.
Colvile, C. R.
Douglas, Sir H.
Gordon, hon. Capt.
Greenall, P.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hale, R. B.
Hanmer, Sir J.
Henley, J. W.
Inglis, Sir R. H.
Jones, Capt.
Labouchere, rt. hn. H.
Lindsay, H. H.
Lyall, G.
March, Earl of
Marsham, Visc.
Pringle, Alex.
Rice, E. R.
Rous, hon. Capt.
Trench, Sir F. W.

TELLERS.

Loch, Mr.
Greene, Mr.

ELECTION PETITION — ABSENCE OF A MEMBER.] Lord *G. Somerset* reported from the general committee of elections the names of the members of the select committee appointed to try and determine the merits of the petition complaining of an undue election and return for the borough of Wigan, as follow:—The Earl of Lincoln, Mr. H. Tufnell, Mr. H. Kemble, Mr. R. Scott, Mr. F. A. M'Geachy, the hon. H. T. Howard, and Mr. Benjamin Hawes, (chairman.)

On calling over the names of the Members preparatory to their being sworn at the Table, it was found that the hon. H. T. Howard was absent.

Lord *G. Somerset* moved—

"That the clause in the Election Petition Act relative to the attendance of Members appointed to try and determine the merits of petitions against alleged undue returns of Members to sit in that House be read."

The clerk read the clause, which set forth,

"That any Member appointed to sit on an election petition, who shall not attend in his place one hour after the House meets, and take the oaths, or who shall depart from the House, unless the petition be discharged, shall be ordered to be taken into custody of the Sergeant-at-Arms, or otherwise punished or censured as the House may direct, unless it be verified on oath that such Member, by sudden accident, has been prevented from attending."

Lord *G. Somerset* wished to know before he made the motion which he meant to propose, whether any hon. Member could inform the House of the cause which occasioned the absence of the hon. Mr. H. T. Howard?

Mr. *Tufnell* said, he believed that it was the intention of the hon. Member to have been in his place at the proper time, and most probably he was then on his way to the House. He hoped, therefore, that the noble Lord would not press his motion at present.

Lord *G. Somerset* said, that as the act was imperative, its letter and spirit must be followed out; and he should, therefore move, that the hon. H. T. Howard be taken into the custody of the Sergeant-at-Arms.

Motion agreed to.

ARMY IN INDIA.] Lord *John Russell* having understood from the right hon. Baronet at the head of the Government on a former occasion that it was probable an increase would be made to the army in India, but that no determination could be come to until fuller official information was received, was desirous of knowing whether anything definite had been resolved upon. It was stated that six regiments were about to be added to the army in India. Was the resolution formally taken; and if the increase was resolved upon, did the right hon. Baronet intend to move for a supplementery estimate.

Sir *R. Peel* said, that it was the intention of Government to increase the army in India, and as it was found necessary to increase the military establishment, a supplementary estimate would of course be required, and would be laid upon the Table in due time.

Lord *J. Russsell* asked the question with the view of ascertaining what additional force would be required.

Sir *R. Peel* was in expectation of fresh accounts, containing more detailed information than had yet been received, and until they were furnished he did not think it expedient to state the exact views of the Government upon the subject.

REVENUE COMMISSION.] Mr. *Hawes* understood that a commission had been appointed to inquire respecting the collection of the revenue. He wished to know whether the committee had made any report, and if so, whether any saving was likely to be effected.

Lord *G. Somerset* (as chairman of the commission) said, that a report had been forwarded to the Treasury, but he could not, of course, say what had been done in consequence. The report did not contain any recommendation as to a definite saving.

ADDRESS TO THE CROWN—COMPENSATION FOR OPIUM SEIZED BY THE CHINESE.] Mr. *Lindsay* rose, in pursuance of notice, to move—

"That the House will, upon Thursday, the 7th day of April next, resolve itself into a committee, to consider of the following address to her Majesty—that is to say, 'That an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into consideration the circumstances under which the British merchants and others, subjects of the British Crown, did on the 27th day of March, 1839, upon the requisition of Captain Elliott, superintendent of British trade in Canton, surrender to the said Captain Elliott, for the service of her Majesty's Government, 20,283 chests of opium, on the assurance of the said Captain Elliott that he on behalf of her Majesty's Government, held himself responsible in the fullest and most unreserved manner for the same, and further, that compensation for the injury sustained by her Majesty's subjects was the first of the demands made by her Majesty upon the government of China (to enforce which an expedition was sent out), and that a sum of money having now been received from the government of China, her Majesty will be graciously pleased to advance to such British merchants and others, on account of their respective losses, to the extent of the sum received from the Chinese government, after deducting the amount awarded by her Majesty to the captors and to assure her Majesty that this House will make good the same."

The hon. Member said he had to request the indulgence of the House while he endeavoured to state the case which had been intrusted to him as clearly and succinctly as it was in his power. The circumstances which had given rise to the case were well known to the House. It would be in the recollection of hon. Gentlemen that a large quantity of opium, the property of British merchants, had been delivered to the superintendent of the British trade in China. It was not necessary that at the present time he should enter into the merits or demerits of the trade in opium. It was sufficient for his present argument, in the first place to prove that the legality of the trade in opium was clearly recognised and sanctioned by the British Government. To prove this he would read, if the House would allow him, a very short extract from the report of the committee of the House of Commons which sat in 1832, in which it was clearly acknowledged that the opium trade was a trade proper to be conducted. After having had all anomalies of the trade explained to them they came to the conclusion, on the complete information before them,

"That in the present state of the revenue of India it does not appear desirable to abandon so important a source of revenue as the opium trade, the duty on opium being one which falls principally on the foreign consumer, and which appears on the whole less liable to objection than any other which can be proposed."

Another portion of the report was as follows—

"That it would be imprudent to rely on the opium monopoly as a permanent source of revenue, and that the time might probably not be very far distant when it might be desirable to substitute an export duty, and thus, by the increased production under a system of freedom, to endeavour to obtain some compensation for the loss of the monopoly profit."

These words were of some importance to the present case, because it was clear that the crisis which arrived in China was chiefly the consequence of the increased production of British opium, which was occasioned by the sanction given to the trade by such authorities as that to which he had referred. His object in making his present address to the House was twofold—first, to endeavour to prove that the honour and character of the country were involved in the full redemption of certain pledges give by Captain Elliott, on the guarantee of which the British merchants in China surrendered a vast quantity of opium; and, secondly, to endeavour to convince the House that it was desirable, on all grounds of justice and expediency, that those pledges should be redeemed. It was important to show that British subjects trading to China conceived Captain Elliott to be possessed of full authority, which they were bound to obey; and in order to do this he should next proceed to read the words of the act of Parliament and Order in Council granting this authority—

"By act 3rd. and 4th. William the 4th, his late Majesty was empowered, by commission or warrant under his sign manual, to appoint not exceeding three of his Majesty's subjects to be superintendents of the trade of British subjects to and from China, for the purpose of protecting and promoting such trade; and by any such order or orders, commission or commissions, as to his Majesty in Council should appear expedient and salutary, to give to the superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the Government of his Majesty's subjects within the ssid dominions; and to impose penalties, forfeitures, or imprisonments, for the breach of any such directions and regulations, to be inforced in such manner as in the said order or orders should be specified."

He would allow that the act of Parliament was, perhaps, not very satisfactory, as it would presently appear that all that had been done by the Order in Council was to invest Captain Elliott with the powers held by the supercargo of the East India Company. In pursuance of this act of Parliament an order was made by his late Majesty in Council, on the 9th of December, 1833, by which it was ordered,

"That all the powers and authorities which on the 21st day of April, 1834, should by law be vested in the supercargoes of the East India Company, over and in respect of the trade and commerce of his Majesty's subjects at the port of Canton, should be, and the same were thereby vested in the superintendents for the time being appointed under and by virtue of the said act of Parliament."

The authority of the East India Company's supercargo enabled them to deport from the country British subjects misconducting themselves, to take away licences from ships, and to exercise general control over the trade of the company to China. So great was the impulse given by the East India Company to the opium trade with the view of increasing the revenue derived from it, that it at length extended over the whole coast of China, and established itself within the port of Canton, thereby greatly endangering the regular and legal trade. As a proof of the authority exercised by Captain Elliott, he would read to the House the following order, issued on the 18th of December, 1838, to which due obedience was paid:—

"December, 18, 1838—I, Charles Elliot, chief superintendent of the trade of British subjects in China, moved by the urgent considerations immediately affecting the safety of the lives and properties of all her Majesty's subjects engaged in the trade of Canton, do hereby formally give notice and require, that all British owned schooners, cutters, and otherwise rigged small craft, either habitually or occasionally engaged in the illicit opium traffic within the Bocca Tigris, should proceed forth of the same within the space of three days from the date of these presents, and not return within the Bocca Tigris, being engaged in the said illicit opium traffic."

The British subjects to whom these vessels belonged, obeyed the order of the superintendent, and retired out of the river. He need not enter into the particulars of the crisis produced at Canton, by the arrival of Commissioner Lin. Captain Elliot was not in Canton at the moment when the first arbitrary measures were taken, but hearing, that the lives of British subjects were in danger, he, with that frank courage and gallantry which distinguished his character—for so he must admit, however much he might differ from the gallant Officer on some points—immediately repaired to that city. They had heard a high authority in that House, who was borne out by the great name of the Duke of Wellington, declare, that Captain Elliot was perfectly justified in acting thus. On arriving at Canton, he found, that a great crisis had occurred, all the British subjects were in prison, and Captain Elliot immediately said, on the moment of his arrival, that he would take on himself the whole charge and responsibility of the measures to be taken. He would now read the public notice of Captain Elliot, on which the whole case rested, and the question for the House to decide would be, whether the country was or was not responsible for what Captain Elliot did on that occasion. The notice was addressed to British subjects in Canton, and was dated March 27, 1839:—

"I, Charles Elliot, Chief Superintendent of the trade of British subjects in China, presently forcibly detained in Canton by the provincial Government, together with all the merchants of my own, and the other foreign nations settled here, without supplies of food, deprived of our servants, and cut off from all intercourse with our respective countries (notwithstanding my own official demand to be set at liberty, so that I might act without restraint), have now received the commands of the High Commissioner, issued directly to me under the seal of the hon. officers, to deliver into his hands all the opium held by the people of my country. Now I, the said Chief Superintendent, thus constrained by paramount motives affecting the safety of the lives and liberty of all the foreigners here present in Canton, and by other very weighty causes, do hereby, in the name and on the behalf of her Britannic Majesty's Government, enjoin and require all her Majesty's subjects, now present in Canton, forthwith to make a surrender to me, for the service of her said Majesty's Government, to be delivered over to the Government of China, of all the opium belonging to them, or British opium under their respective control; and to hold the British ships and vessels engaged in the trade of opium subject to my immediate direction, and to forward to me without delay, a sealed list of all the British owned opium in their respective possession. And I, the said Chief Superintendent, do now, in the most full and unreserved manner, hold myself responsible for, and on the behalf of her Britannic Majesty's Government, to all and each of her Majesty's subjects surrendering the said British owned opium into my hands, to be delivered over to the Chinese Government. And I, the said Chief Superintendent, do further specially caution all her Majesty's subjects here present in Canton, owners of or charged with the management of opium, the property of British subjects, that failing the surrender of the said opium into my hands, at or before six o,clock, this day, I, the said Chief Superintendent hereby declare her Majesty's Government wholly free of all manner of responsibility or liability in respect of the said British owned opium. And it is specially to be understood, that proof of British property and value of all British opium surrendered to me agreeably to this notice shall be determined upon principles in a manner hereafter to be defined by her Majesty's Government. Given under my hand and seal of office at Canton, in China, this 27th day of March, in the year of our Lord 1839, at 6 of the clock in the morning.

"CHARLES ELLIOT,

"Chief Superintendent of the Trade of British subjects in China."

It would be seen, from what he had read, that Captain Elliot enjoined British subjects in China to deliver up their property for the service of the Government of Great Britain. He would at once grant that the Chinese Government would have been justified in seizing all the opium on the coast of China, if they had been able to do so. But they had not done so; they had not dared to attempt it. The opium surrendered to Captain Elliot was entirely out of the power of the Chinese, and a large portion of it had already been ordered away from China, and was sailing down the Chinese seas to Singapore. At the urgent request of the superintendent it was brought back again, in order to be delivered to him. He would not maintain, that the country was responsible for every act which might be done by a foreign Minister in a distant country, because some of his acts might be so injudicious and erroneous, that the country would be quite justified in repudiating them, especially if they involved anything derogatory to the character of the country. But when any acts were done by a foreign Minister for the purpose of forwarding a series of great political events, and when the Government of the country approved generally of their scope and tenour, it was impossible, with any regard to the honour of the country, to repudiate a certain portion of them. Did the late Government, then, disapprove of the scope and tenour of Captain Elliott's proceedings? Far from it. They approved of them most highly, nay more, the Duke of Wellington, in the other House, expressed his general approbation of them. The Home Government immediately raised him to the dignity of plenipotentiary, and empowered him to carry on negotiations of the highest consequence with the empire of China. With regard to the sums of money that had been obtained by her Majesty's Government from the Chinese authorities, he would read an extract from the letter of Captain Elliot to the Earl of Aberdeen, printed in return to an order o the House of Commons:—

"The definite political purposes in view at the moment, were to break up the large contingent force from the other provinces assembled at Canton, to destroy the formidable aggressive preparation of the last two months, and to tame the spirit and cripple the resources of the Government, by dismissing the imperial commissioners, and levying a contribution on the treasury in part satisfaction of the heavy demands of her Majesty's Government. . . In this situation of affairs, I was enable to conclude a convention with the local authorities,

> by which the imperial commissioners were subjected to the disgrace of forced departure from the city; the troops from the other provinces were constrained to evacuate in the sight of our own force without banners displayed (a sign of humiliation in China); 6,000,000 dollars were recovered from the imperial treasury in diminution of the just claims of her Majesty's Government; a further sum of more than 80,000*l.* has been paid in compensation of the losses occasioned by the destruction of the factories, and certain previous violence committed by the government of Canton; and we were left in a situation forthwith to withdraw the whole armament from the dangerous effect of the river service upon the health of the force, for movement to the northward."

This fact ought to be taken in connexion with the statement of the noble Lord, the late Leader of the House of Commons (Lord J. Russell), relative to the object of the Chinese expedition. The noble Lord was asked, what was the object of these preparations? The answer was, that

> "In the first place they were to obtain reparation for the insults and injuries offered to her Majesty's superintendent and her Majesty's subjects by the Chinese government; and in the second place, they were to obtain for the merchants trading with China indemnification for the loss of their property incurred by threats of violence offered by persons under the direction of the Chinese government."

With reference to the compensation granted to persons who had sustained loss in consequence of the measures of the Chinese, he would take this opportunity of directing the attention of Government to the claim of Joseph Coolidge, an American citizen, which, from the singularity of the circumstances attending it, and the exorbitant amount of it, had excited much curiosity. It was as follows:—

	Dollars.
Office furniture	1,610
House furniture	4,570
Wardrobe	1,800
Comprador's and servant's effects	1,300
Books	400
Cow and Dog	250
Some item not remembered by us	300
	10,260
Add 100 per cent. for inconvenience	10,260
Loss of office-books	5,000
Loss of private-books	1,000
Repairs of the factory	2,000
Cash taken from the Treasury, about	5,100
Making a sum total of	33,710,44

He should be glad to know on what the claims of this gentleman, the amount of which, it appeared from the return of the compensation money, was immediately paid over to him, consisted? This person had obtained 100 per cent. upon the value of his cow and dog, and the article not remembered by him. British subjects were deprived of their property, while the extravagant claim of this American citizen was paid in full. He had now concluded the first branch of his argument, and would proceed to make a few remarks on the question of the political expediency of granting compensation to these parties; with this view, he would read a few extracts from the report of the select committee appointed to investigate the grievances complained of in the petition of merchants interested in the China trade, presented on the 24th of March, 1840. He, believed, that the first object of the appointment of a committee to inquire into these embarrassing and difficult points was, that they might give a clear and definite opinion on the merits or demerits of the claims. The committee collected together a vast deal of information, but they expressed no opinion, and he could not but think that there must have been a feeling in their minds that it would be a difficult matter to give an opinion militating against the claims. Out of the 20,283 chests of opium surrendered to the Chinese, five-sixths or four-fifths belonged to native merchants of India; and he would read a letter, written by a native merchant, and which was produced in the evidence of Mr. Malcolmson. The letter was as follows:—

> "The poor natives are not to be blamed for having traded in opium, but the East-India company, who have in every way fostered the trade, and are now drawing an immense revenue from the same. You will be surprised when we tell you, that notwithstanding all that has occurred, yesterday's Government gazette contained the usual annual proclamation for the granting of passes for the Malwa opium, and we learn from Calcutta that the supreme government intend to bring forward 15,000 chests of Patna and 7,500 chests of Benares opium, now ready in their godowns, and that none of the opium agencies are to be discontinued. We enclose for your perusal an extract on this subject;—'The Indian government have taken no steps whatever to check the sale or growth of the drug, but continue to draw immense profits from a trade that they pretend to call contraband. Is it honourable, is it dignified, for a government to foster a trade that is contraband, and by which their subjects will ultimately be ruined? If the Home Government wish, there will be no difficulty in putting an entire stop to the trade, and thereby relieve the poor natives

who easily fall into so seducing, but at the same time most dangerous trade. Does it not appear ridiculous that on the one hand Captain Elliot delivers up 20,000 chests, while on the other the Indian government are bringing forward for sale upwards of 40,000 chests more?'"

Another letter, dated Bombay, January 29, 1840, written by another native merchant, stated,

> "If your good nation does not come forward, and openly give some assurance for the opium indemnity, you may depend that many respectable men will put an end to their lives. We have already seen two instances, and many more will occur in the interior, as men of high spirit and ancient family cannot bear the disgrace of appealing to the insolvent law. We are ourselves confident that the Government will ultimately redeem the pledge of their own officer, but what will be the use when the mischief is done."

Nevertheless, a long time had now elapsed, and yet no relief had been afforded to these parties. It was stated in another letter from a native Bombay merchant, a man whose character and conduct stood so high that he had been judged fit to receive the honour of knighthood, and was the first native that obtained that distinction:—

> "The question now rests between the two Governments of England and China, and it is for the former to determine what course to pursue for the recovery of the property surrendered by her Majesty's representative, whose pledge, we should consider, must be binding, as else all faith in the Government will be at an end. Our property has been peaceably surrendered for the service of our Sovereign, on the unreserved full pledge of her Majesty's superintendent that the full value should be repaid to us, and, in our opinion, it now only remains to hasten forward the settlement of these uncontested claims."

The letter concluded in the following terms:—

> "Had the British Parliament disallowed the continuance to the company of the opium monopoly, and branded its name as contraband and immoral, then the question would have been materially altered, and every man would have traded on his own risk; but, by the course pursued, a pledge was given, which must be fulfilled, and which we and all others are entitled to reckon upon without a shadow of a doubt. We rest upon the honour and integrity of the British Government."

He put it then to the House, would not the refusal of compensation shake the confidence of every native of India in the "honour and integrity of the British Government." He implored the House to consider on what was based the power by which this country ruled over the countless millions of India. It was the power of public opinion, and the confidence entertained by the natives that this country was prepared to act with perfect faith and honesty. What was it that had kept the native troops of India faithful in times of difficulty? It was the confidence reposed in the promises made by the Government of this country, whatever party might be in office. What induced the natives of India to come to our courts of justice, and feel a willingness to submit their cases to be judged by natives of a distant country, comparatively ignorant of the usages of their country? What was it, but a feeling of confidence, that by doing so, they would always obtain justice? They all had had recently to deplore the occurrence of a great disaster in India; but he apprehended that two such disasters would not be so fatal to the supremacy of England in that empire as any one act which should shake the confidence of its natives, in the "honour and integrity" of the British nation. There was not a district in India where many of the natives would not be reduced to poverty, unless the pledge given by Captain Elliott were fully and honourably redeemed; and the present was not a time for inflicting a blow on the character of this country. He must confess that he had not met with much encouragement on his application on this subject from the Chancellor of the Exchequer, and he now begged to appeal from the Chancellor of the Exchequer to the hon. Member for the University of Cambridge, in his character of a liberal and high-minded statesman. He entreated the right hon. Gentlemen to look, in that capacity, at the question in all its bearings on the honour and character of this country, rather than to consider it as a mere money question. He begged also to appeal to the noble Lord who had lately presided over the foreign affairs of this country. He had great pleasure, not only in bearing his humble testimony to the noble Lord's urbanity in all official intercourse, which was a valuable quality in a Minister, but in acknowledging the value of one of his last official acts—the sending to China of that distinguished officer, Sir H. Pottinger, who, he believed was admirably fitted to bring affairs to a settlement on a proper and honourable basis. The hon. Member concluded by proposing the motion which he had read at the commencement of his speech.

Sir *G. Staunton* seconded the motion. He said, that having taken a deep interest in the passing events in China, and having formed a decided opinion on the question submitted to the House, he thought he should not be discharging his duty if he did not endeavour to state the grounds on which that opinion was founded. If he had any bias or prejudice on the subject, previous to investigating the matter, it was adverse rather than otherwise to the claims of those parties. When he had the honour of holding office in China, he never, directly or indirectly, gave support or encouragement to the opium trade. But he could not hesitate to express his opinion, that no abstract view which might be taken of the policy of encouraging or discouraging that trade ought to deter the House of Commons from doing justice to those British merchants who had received a sort of sanction in carrying it on. The warmest opponents of the opium trade might take an example from the course pursued by the British Parliament on the great question of slave emancipation. Those who most strongly condemned the system of slavery, did not shrink from discharging the obligation by which, under the then state of things, they felt themselves to be bound to the slave-owners; and they gave them a compensation of not less than 20,000,000*l.* sterling. On a similar principle he advocated the granting of compensation to the owners of opium, and, more especially, the transferring into their hands of the instalment of money which had been received from China. But it would be an injustice to the opium trade to place it on the same footing as slavery. It was easy to denounce the trade as smuggling, and stigmatize opium as a poison; but enlightened statemen would not be carried away by such language. They would inquire whether or not it was founded in justice. With respect to the charge of smuggling, he must observe that that trade had not only been carried on with the connivance of the officers of the country into which the opium was imported, from the highest to the lowest station, but the article had even been conveyed in their own vessels. The trade, therefore, could not be fairly and justly called a smuggling trade. Mere paper prohibitions were not sufficient to give it that character. Then, with respect to the charge that opium was a poison, he might state that all medicines taken in excess were poisonous. Opium was a valuable medicine. It was a luxury, and no doubt a vicious luxury to consume it in excess; and then those consequences would ensue which excited so much horror; but he believed that nine-tenths of the people in China who smoked opium consumed it in moderate quantities, and were perfectly able at all times to perform their ordinary business. The opinion he had expressed with reference to the opium trade had been entertained by committees of both Houses of Parliament, and it was not to be supposed that if the trade did bear the odious character by some imputed to it, that the Legislature would not have openly prohibited it. On the 12th of May, 1840, the Duke of Wellington said,—

> "I sat as a Member of a committee of the House of Lords, to inquire into this amongst other branches of trade, and I remember that evidence was received on the subject. It was a great object that this very trade in opium should be continued. Questions were put to witnesses whether trade could not be extended, but more particularly in this very branch, the trade of opium; and in the report of the committee of the House of Commons, it is particularly observed, that it was desirable that it should be continued. Really, then, under these circumstances, it is rather hard to come down upon these men, and tell them, 'You have been the cause of this war; you have been the cause of this great misfortune, and you shall therefore have no redress.' That is a course to which I for one never can be a party."

The superintendents of trade acted upon such sentiments. This was the case under the short and disastrous administration of Lord Napier, the first superintendent. Mr. Davis, the second superintendent, continued to discharge his functions with skill and judgment, as might be expected from his long experience in China. He did not think it his duty to give an opinion upon, or to originate any interference with, the opium trade, but left it as he found it. Sir G. Robinson, however, went further. He considered the trade of importance and interest to the country, and gave it every assistance. He went and resided for a considerable time in the focus of the trade. On the 5th February, 1836, he said,—

> "Smuggling carried on actually in the mandarin boats can hardly be termed such. Whenever her Majesty's Government direct us to prevent British vessels engaging in the traffic, we can enforce any order to that effect."

Captain Elliot wrote, on the 27th July, 1836:—

> "It has been a confusion of terms to call the opium trade a smuggling trade. It was formerly a prohibited trade, but no part of the trade of this country had the more active support of the local authorities."

On the 10th of October,—

> "We are in expectation of soon receiving the final orders from Pekin for the legalization of the opium trade."

On the 2nd of February, 1837,—

> "The imports of opium last year, on account of our merchants, amounted to nearly eighteen millions of dollars, being about one million above the whole value of the tea and silk exported during the same period."

On the 30th of January, 1839,—

> "The immense, and, it must be said, unfortunate increase of the supply during the last four years, and the continual drain of silver, have no doubt greatly alarmed the government."

On the 6th of April,—

> "Before the arrival of the high commissioner, I had steadily considered the expediency of formally requiring all the British ships engaged in the opium trade to sail away from the coast of China; but the objections to that measure were very strong, and the result has proved that I took a sound view in refraining from it."

It would have been impossible for Captain Elliot to have anticipated the extraordinary conduct of Commissioner Lin, and for which the Chinese government itself had furnished no precedent. The British merchants naturally considered the pledge which Captain Elliot gave to be conformable with the general tenor of his instructions. With reference to this point, he would make another citation from the very high authority to which he had already alluded, that of the Duke of Wellington. The noble Duke, speaking of Captain Elliot, said,—

> "When he came to this extremity of starvation, when he and the whole population were distressed for subsistence, he prevailed on them to give up the opium, and, taking it in the name of her Majesty, he undertook to pay for that which he had thus got from them. But then he had no authority, by an Order in Council, to enable him to perform this service. He performed it at his own risk, and this country and her Majesty's Government owe him, I think, a debt of gratitude, that he did perform this service at his own risk: and by so doing he acted with a courage and self-devotion which few men would have the opportunity of showing, and probably, still fewer, if they had the opportunity, would have shown."

Those words strongly expressed the Duke of Wellington's opinion that, in the extraordinary circumstances in which he happened to be placed, Captain Elliott had exercised a sound and wise discretion. If that were so, the claim of the merchants to indemnification must at once be admitted. He was unable to adduce a declaration from any Member of the late Government, similar to that of the Duke of Wellington; but the course they had pursued proved plainly that they concurred in the noble Duke's opinion of Captain Elliott's conduct. The late Government promoted Captain Elliott to a higher office, and entrusted him with the conduct of most difficult and important negotiations, and subsequently appointed him to another situation in a different part of the world, which appointment had been, if he were not misinformed, confirmed by the present Administration. All antecedent circumstances, therefore, as well as all consequent acts of the British Government, had made Captain Elliott's pledge binding upon the nation. It was a confirmation of that pledge that this country had fitted out an expedition to China, one of the objects of which was stated by a noble Lord, then a Member of the Government, to be the obtaining of satisfaction for the claims of the merchants who had given up their opium. Now, in his opinion, the six millions of dollars paid by the Chinese authorities at Canton ought to be considered as the first instalment of the payment of those claims. In the papers which had been laid before Parliament relative to the payment of the six millions of dollars, it appeared somewhat doubtful what was the precise object for which the money was paid; but certainly, the general tenour of the correspondence would seem to indicate that it was intended as an indemnification to the opium merchants. In Captain Elliott's letter to Viscount Palmerston he found the following passage:—

> "I also received the sum of 17,750 taels, equal to 25,000 dollars, being in satisfaction of the loss occasioned by the destruction of the Spanish brig Bilbaino: the Spanish commissioner, Senor Halcon, having expressed his readiness to receive that sum, it was accepted. I am only enabled, my Lord, by this very hurried occasion to state to your Lordship briefly, that I was content to receive securities

for 1,099,713 2-9 dollars, with a view to the relief of the Hong merchants from immediate pressure, at great inconvenience to the whole trade; for I found that the authorities had cast upon them more than a million of the payments, upon the pretext of duties and charges due to the government. I have taken a bond from the Kwang-Chow-Foo upon the behalf of the government, for the satisfaction of all losses occasioned by the destruction of the factories; and the Co-Hong have rendered themselves responsible for the pureness of the silver, in addition to my own personal declaration to the government (which will be repeated in writing, as soon as I have leisure), that it will be held responsible for any deficiency arising either from inferiority of standard, or short weight. So far as we have been able to judge, there is no room for representation upon the subject."

Captain Senhouse, writing to Captain Elliott, said:—

"The articles themselves make no mention of the money being paid as a ransom for the town, nor is any mention made of these conditions being confined to the province of Kwangtung. On the contrary, it is well known that the Chinese authorities extended your Excellency's former declaration, that the English wanted nothing but trade on the old footing, to the further settlement of a definitive peace, although, in your Excellency's own understanding, the arrangement was limited to Canton; and the Commissioner Kwang in his private letter said, that you have stated that your nation wanted nothing but trade on the old footing, and invited you to commence negotiations for a definitive peace The sum to be given up being similar to the sum offered to be given for opium, and the introduction of the affair of the 'Bilbaino,' unite in inducing to an unprejudiced and uninformed person, that the arrangement is more intended for a general pacification, which would appear a very poor compensation for all the insults and injuries we have received, than an acknowledgment of the vanquished to the conqueror in the hour of victory. I therefore beg, for the information of my commander-in-chief and their Lordships of the Admiralty, to know whether the arrangement is decidedly a ransom for the city of Canton, to save it from the consequences of legal warfare; leaving out entirely the question of remuneration, compensation, and security for the future, so long mooted—or for other purpose."

He had seen in the public papers—and he had every reason to believe it was authentic—the Chinese account of the matter, and it was surprising that that document was not comprised amongst the papers which had been submitted to Parliament by the Government. The document to which he alluded professed to be a translation of the report of the commander-in-chief of the Chinese forces, and it contained this passage:—

"I made inquiry from the barbarians; they all said that several millions of taels for the surrendered opium had not been yet paid, and, therefore, requested the sum of a million of taels in liquidation thereof, and then would immediately withdraw and retire outside the Bogue. To this I agreed."

It appeared to him, therefore, that the evidence was in favour of the opinion that the money surrendered at Canton was paid in indemnification of the opium merchants. It was painful to allude to the misfortunes which had lately befallen us in India; but he could not avoid expressing his concurrence in the opinion expressed by his hon. Friend, that it was of peculiar importance at the present moment that we should not impair one of the main sources of our power in that country. The stability of our Indian empire depended, first, on the sense which the natives entertained of our power, and, secondly, in their confidence in our good faith and honour. Without exaggerating our recent misfortunes, or doubting for a moment that the energies of the country would enable us speedily to repair them, and place us in a prouder situation than that which we had previously occupied, he, nevertheless, must say it was of the utmost importance that nothing should occur at the present moment to shake the confidence which the people of India reposed in our good faith. It should be recollected that a large number of the natives of India would be absolutely ruined if they did not obtain indemnification for the losses they sustained. One or two of those unhappy persons had already committed suicide. Under these circumstances, he trusted the House would decide that they should obtain the relief to which they were justly entitled.

Sir *G. Larpent* said, that perceiving this opium discussion had already produced a soporific effect upon the House, he would not long occupy its attention; but, at the same time, owing to the position which he occupied, and having been long connected with the China and East India trade, he felt that he could not give a silent vote upon this occasion. The question lay in a very narrow compass. His hon. Friend, the Mover, had stated the terms upon which Captain Elliott had induced the subjects of her Majesty to give up their property. Sufficient prominency, however, had not been given to the fact, that the merchants at Canton were the agents for persons at Bombay and other parts of India. He begged the House to consider the situation in which those merchants were placed. Captain Elliott issued the following public notice to British subjects. [The hon. Member again quoted the proclamation of March 27, 1839, quoted by Mr. Lindsay.] If the merchants had not surrendered their opium when thus urged to do so by the representative of her Majesty's Government, they would have been responsible for it to their principals in India. The merchants, therefore, acting in good faith, gave up their opium. What, subsequently, had been the conduct of the British Government towards Captain Elliott? The late Government was composed of his political friends, and he was sure they would not shrink from stating, that as far as they could express an opinion, they approved of Captain Elliott's conduct, and accepted the responsibility which that officer had assumed in their name. That being the case, the merchants were entitled to claim indemnification from the British Government. It was important to ascertain how far the present Government adopted the views of their predecessors with respect to this question. In all the communications which he had held with the late Government upon the subject, he had experienced the most marked attention, and a similar spirit had been evinced by the Earl of Aberdeen, with whom he had had an interview. The question being one which was deeply interesting to the natives of India, to whom the largest portion of the debt was due, he had felt that no exertion on his part ought to be wanting to bring the case fully before the Government, and for that purpose he had, and others had, sought and obtained an interview with the Earl of Aberdeen. He had taken a minute of what occurred at the interview, not for the purpose of binding the Ministers down to particular expressions, but in order to be able to communicate the general purport of his observations to the parties interested. That minute he would read to the House.

"A deputation, consisting of J. A. Smith, J. H. Palmer, G. Lyall, M.P. for the City, and chairman of the East India Company, and myself, waited on the Earl of Aberdeen, to endeavour to get the Government to apportion a part of the six million dollars taken from the Chinese towards the opium sufferers, represented by us, and truly so, as chiefly natives, Parsees, and others of Bombay and Calcutta. The Earl of Aberdeen received us very well, and stated that one of the acknowledged objects of the instructions to Elliott was the compensation for opium; but that, from an ambiguity in Elliott's despatches, it was not clear whether the money was for that object or as a ransom for Canton. He further observed, that the Government considered a part at least as droits of the Crown, and to be applied as usual to the captors, army and navy; that it was, however, only a first instalment, it being the object of the armament to get more from the Chinese: and that it would be within the discretion of Government to deal with the money, beyond what might be appropriated to the captors between the Government to pay expenses and the opium sufferers—the bills of Elliott for the bought opium having been paid. Finding the Earl of Aberdeen so well inclined, impressed him to get a portion of the six millions awarded to opium sufferers, and he admitted the reasonableness of our request, and promised to consult the Treasury, and recommended the compliance with our wishes to the Treasury."

In consequence of what had fallen from the Earl of Aberdeen, letters had been written to India, informing the owners of the opium that his Lordship was about to recommend the Treasury to pay them a portion of the sum due. Under these circumstances it appeared to be absolutely imperative upon Parliament to give an assurance that those persons should receive immediate indemnification. A large sum had been paid by the Chinese at Canton, and he was willing that the captors should, in the first instance, be paid out of it, but the residue, he contended, ought to be immediately handed over to the opium merchants. He had cheerfully responded, as he believed almost every man in the House had done, to the appeal which the right hon. Baronet had recently made to the country, to enable the Government to surmount the financial difficulties which at present existed; but we had civil as well as military interests to provide for, and, in his opinion, it was as incumbent upon Parliament to maintain the honour and integrity of the country, as to uphold our fleets and armies. He trusted that the Members of the late Government would distinctly express their opinions on this occasion, and if they should declare that part of the money received at Canton ought to be paid to the opium merchants, he hoped the present Government would act in accordance with that opinion.

No financial difficulties ought to prevent the Government from doing justice to the natives of India. Let it not be supposed that only a few large merchants were interested. No; the great mass of the native Indian traders, persons who were, on every account, entitled to the sympathy and protection of Parliament, were the principal sufferers. He had formerly heard hard names applied to persons engaged in the opium trade; but it should be recollected, that it was a trade recognised by the East India Company, who actually had established a board for the collection of the revenue arising from it. The statements made respecting the evils resulting from the use of opium were greatly exaggerated. He believed that it was more a question of finance than of morals: and that the observation of Commissioner Lin about the Sycee silver oozing out explained the grounds of the hostility of the Chinese government to the trade.

Sir *C. Napier* observed, that Captain Elliott had been led frequently by his enterprising spirit to place himself in situations of danger without cause. As to the delivery of the opium, the authority of Captain Elliott ought not to have been deemed binding; and the other commissioner, then the principal, ought to have been applied to. But he strongly desired to urge the claims of the officers and men engaged in the capture of Canton, to whom he was sorry to find the paltry dole of a year's pay had been tendered—for the first time, he believed, since the two services had been in existence—it having always been the practice to give the captors a large share of treasure taken. He hoped, therefore, that whatever steps might be adopted in respect to the merchants, the claims of the officers and the men engaged in the capture would not be overlooked or disregarded.

The *Chancellor of the Exchequer* could assure the hon. Member for Nottingham, (Sir G. Larpent) that whatever might be the difficulties of the country, or whatever the amount of the demands made upon it by the public service, if he were convinced, that the claim now advanced was one which the honour of the country was pledged to discharge, he should be the last individual in the House to offer opposition to the demand. If he could not agree to the motion of his hon. Friend (Mr. Lindsay) on this occasion, it was because he did not conceive, that the honour of the country had been pledged to make a payment, on account of the opium seized in China, out of the funds which had been recently placed at the disposal of the Government. The hon. Member who opened the discussion said, that he considered the honour of the country was distinctly pledged to meet those claims; but the hon. Gentleman, throughout the whole course of his speech, distinctly avoided referring to the point put forward in the Address — whether the honour of the country was pledged to make a payment out of the funds now at the disposal of the Crown. That was the question to which he should address himself, and upon which the House would have to decide. As to how far the honour of the Government was pledged by those who conducted the affairs of Government, when these matters were under consideration, he knew of no public declaration beyond what the noble Lord (Lord J. Russell) had made, which had been referred to by the hon. Member for Sandwich (Mr. Lindsay), and in which he distinctly stated the objects for which the operations against China were conducted, and the arrangements which it would be desirable to make whenever those operations were brought to a conclusion. The noble Lord's expressions were recorded, and he (the Chancellor of the Exchequer) could speak to their accuracy, he being present at the time. They were as follows:—

> "The hon. Gentleman has asked me, what are the objects of the preparations (that was with reference to the war in China), I can only state them very generally. In the first place, they are to obtain reparation for the insults and injuries that have been offered to her Majesty's Superintendent, and her Majesty's subjects, by the Chinese Government. In the second place, they are to obtain for the merchants trading with China an indemnification for the loss of their property, incurred by the violence offered by persons acting under the direction of the Chinese government. And, in the last place, they are to obtain security in future for the persons and property of the British subjects trading with China."

That was the pledge which was given by the noble Lord, as the organ of the Government; and the House would now have to consider whether it imposed any obligations upon the country, out of the limited means derived—not from the Chinese Government, but merely from the ransom of a particular city in the Chinese empire, to make the payment which it was the object of the present motion to get made. The hon. Gentleman who opened the debate, and other hon. Gentlemen, had argued that Captain Elliot was the agent of the Government, that he was invested with great powers as Superintendent in China, that in his capacity of Superintendent, he made a demand upon certain British merchants, that they should surrender to the Chinese government a large property that had been consigned to them for disposal in China, and, that upon the surrender of that property, he gave them an assurance, that he took it on behalf of her Majesty's Government. The hon. and gallant Member for Marylebone (Sir C. Napier) had truly stated to the House the circumstances in which the parties stood at that moment. Our British merchants had been imprisoned; their property was in the power of the Chinese; they themselves were in prison; they were in the greatest fear for their lives; they were in apprehension, that the property they had with them would be seized by the Chinese. [*"No, no."*] He could shew, from the papers presented to Parliament, that they were in fear for their lives, and that they had great part of their property with them. In this situation of danger, or, at least, of difficulty, Captain Elliot, with feelings which did him honour as a professional man, seeing and believing, that these individuals were in a dangerous situation, went, at great risk to his own life, to ascertain the position in which these persons were placed, and share with them the risk of captivity and life. In this painful situation, the merchants succeeded in persuading Captain Eliot, that he was called upon and was bound to take the opium from them on behalf of the British Government. He admitted, that Captain Elliot did this, and that he did give a pledge on the part of the Government. Then it was argued by hon. Gentlemen opposite, that the public officer, having given this assurance, and having given this pledge, the Government were positively bound to abide by it, and that the refusal to sanction that pledge so given was, on the part of the Government, a violation of the good faith and honour of the country. In that argument he by no means agreed, and in saying this, he did not express his own opinion alone, and that of the Government now in power, but the opinion also of that Government which they had succeeded; for if Captain Elliot's engagements, made under the circumstances to which he had alluded, were so binding on the country, that they could not be departed from without a breach of faith, he would ask on what grounds it happened, that when the bills drawn on the Treasury were presented for acceptance they were protested, and the parties told, that those bills would not be honoured at maturity—that Parliament had not been advised to place money to meet these bills at the disposal of the Crown. If Captain Elliot's guarantee was sufficient to authorise the payment of any bills which it might be necessary for him to draw—the question was as open for decision at the time when those bills were protested, as it is now. But as to the pledge stated to have been given on this subject, by the noble Lord, which he had already stated to the House, was these equally obligatory. Those pledges were, that the country should obtain reparation for the injury which the country had sustained in the treatment of her Majesty's subjects—that compensation should be made to her Majesty's suffering subjects, and that the expenses consequent upon the expedition to China should be repaid to this country by the government of China. These were the objects for which the war in China was undertaken; and these were objects which those who were responsible for the war had to secure. The pledge of the noble Lord and of the then Government as to the indemnity to the opium holders, clearly had reference to the period when hostilities were to be terminated. The pledge was, that when hostilities terminated reparation should be made for the losses sustained by those who had been engaged in trading with China; but no pledge was given that the country was out of its own funds or funds which were applicable and liable for the purposes of the war first to make that payment to the merchants who were sufferers. The successes of our troops had placed us in a situation to control one of the cities of the Chinese empire; that city had consented to make a payment to the British power, in the shape of a ransom, in order to save the properties of the people. That sum did not come within the category of a compensation given by the Chinese government at the termination of hostilities to this country. No, it was an individual contribution of an individual place, and that money was no more available for the purposes of indemnity to the merchants, than any military contribution or seizure of stores or artillery made in the course of military operations. The matter stood in this situation, and in no other. What had been the cry of those who were deeply interested in those transactions which had taken place in China? What had they pressed upon the Government? Why they had pressed upon the Government, that the war should be prosecuted with vigour, with energy, and with firmness; that their claims might then be settled. That, he contended, was the tenor of the memorials of the merchants concerned. One of those memorials had been signed by the hon. Member for Nottingham, and the hon. Member for Chichester. That memorial urged, that the present military operations in China should be followed up with the greatest possible vigour, in order that the compensation required for the country and for themselves might be obtained, in the course of the war, a contribution in the nature of that derived from the city of Canton has been obtained, and the Government were now told that they were pledged to forbear applying it to carry on the operations of the war with vigour. He thought, that no man would say there had been anything like a breach of faith in the course which the Government had pursued. The engagement distinctly made to pay the merchants was one which was not to come into force till the termination of hostilities. Those hostilities had unfortunately not terminated; and on applying what had been obtained to the prosecution of this war, the Government were taking the most effective means of prosecuting it "with vigour, with energy, and with firmness," as had been recommended by the hon. Gentleman himself; and as they carried on the war without greatly adding to the burdens already borne by the people of this country, so we had a greater prospect to bring it to a successful termination. On these grounds he did not think it expedient to accede to the motion of his hon. Friend near him. The motion, moreover, was couched in terms which, if he were disposed to cavil at terms on a question where the debate was rather on principle, and not on words, he could not agree to. The tenor of this resolution was to assume that this money had been received from the Chinese government. Throughout the resolution the hon. Gentleman stated that the sum of money was received from China, and that to the extent of the sum so received the House was bound to make good the compensation to the merchants. These were points on which his hon. Friend was mistaken as to the facts. The money was not received from the Chinese government. It was not a payment made by the government of China for the termination of the war now going on. It was a ransom paid for property captured in the progress of the war, available in the first instance for the remuneration of the captors, and applicable to carry on the operations of the war with vigour and effect. As regarded the ultimate satisfaction of the opium merchants, the House were not in a situation to decide. The Government had instituted inquiries as to what was the real value of the property which had been given up under the acts of Captain Elliott, he saw by papers which had been laid before the House, that this opium was estimated at 1,200 dollars per chest—there was none valued lower than 500 dollars; this was an enormous amount to demand from China, before any step was taken to settle claims of this kind, it was indispensably necessary to know, beyond a doubt, what was the real value of opium at the moment this surrender took place. They should also know whether the merchants did not derive advantages from the additional value given to other parts of their property equivalent to the loss on that destroyed, or surrendered to Captain Elliott; and whether the price contracted for, whilst Captain Elliott was under duress, be the price at which compensation ought to be granted? He did not ask this information in order to shrink from any demand which might honestly be made upon that House; but he was sure the House would agree with him, that they were bound to take into consideration what was the value of the commodity surrendered, even if he admitted the principle that this country was bound to make restitution. And he must say, that circumstances had come to his knowledge which made him confident, that the amount of the claim made far exceeded the value which, under reasonable circumstances, could be considered right. He was not prepared to follow the hon. Gentleman through the discussion as to the propriety of the opium trade, or to enter into the circumstances under which it was contended that that trade was immoral or moral. That was no part of the question before the House. The question at issue was, whether they should address the Crown, in order to enable the executive to make over to these dealers the whole of the money which had been received for the ransom of Canton, or whether they should abide by the pledge of the former Government to prosecute with vigour the operations against China until we should arrive at a settlement,—that settlement being indemnity for the charge and expense of our expedition against the Chinese empire, the indemnity of the opium owners to the amount to which they were entitled, and reparation for past injuries; and security for the future. These were the views which he was disposed to take upon this question; and, entertaining these views, it was impossible for him to support the motion of his hon. Friend.

Viscount *Palmerston* said, that having been officially identified with this question, he presumed the House would not think it very unnatural that he should wish to express his opinion on the present occasion. He was far from thinking this a question of right, but he did think it might be one of discretion and policy. He was not prepared to say, that the claimants had any right, founded upon the pledge made by the late Government, upon which they could make out their case on the present occasion. Undoubtedly, the pledges given by the late Government were, as had been stated by the right hon. Gentleman, that her Majesty's Government would take the necessary steps to obtain from the government of China the value, whatever it might be, of the opium which those parties had been compelled to give up; and he was also prepared to agree with the right hon. Gentleman, that the value of the opium remained yet to be ascertained. But he owned he thought that, as a question of discretion—of fair liberality, her Majesty's Government would be acting properly in acceding to the motion of the hon. Member for Sandwich (Mr. Lindsay). It was perfectly true, that this money was not obtained by treaty from the government of China, and therefore was not (without the consent of Parliament) strictly applicable to the relief of these persons. He was perfectly aware, that by law the money must be paid into the consolidated fund, and that it would require a vote of that House to enable the Government to draw it out of the consolidated fund, and apply it to the relief of these parties. He was also aware, that if, upon the termination of the war, the Chinese government were to yield to the demands made upon them, and were to make over a sum of money for the liquidation of this peculiar claim, and an advance was now made to these merchants, the money so obtained hereafter from the Chinese government by treaty would have to be repaid to the consolidated fund, in satisfaction of the demand for the relief of these parties. When they (the late Government) were in office, applications were made to them more than once to recommend an advance out of the consolidated fund for the temporary relief of the claimants, with the understanding that, when the amount to be advanced should be recovered from the government of China, it should be repaid into the consolidated fund. The late Government, however, declined to accede to this sugestion; they did not think it consistent with their public duty to recommend to Parliament to lay that burden upon the public, nor was it a proposition which they thought Parliament would entertain. But this case was different. There was now a sum recovered from the Chinese people by the operations of our forces on the Chinese station; and he thought it would be perfectly fair, as no additional burden would thereby be entailed upon the British nation, that this money should be applicable to the relief of those who were sufferers by the events out of which the war had arisen. It seemed to him, there was a wide distinction, in fact and in principle, between calling upon the Government to advance money out of the revenues of the country and applying as proposed the money obtained by the operations of war, those operations being carried on for the purpose of obtaining compensation and reparation for the injuries and losses which have been sustained. It was well known, that these parties were grievous sufferers. It might be perfectly true, that some of them might have obtained compensation by the increased price at which they afterwards sold opium in their subsequent transactions, but a large number of them had never had any subsequent dealings, and had therefore not received any compensation in increased prices, and therefore it was, he was of opinion, that if the late Government had been in office when this money was placed at the disposal of the British Government, he should have been inclined to recommend to Parliament the propriety of enabling the Government to apply the money provisionally, for the purpose of relieving the claims of parties from whom the opium was extorted. He would not go into those other topics which had been adverted to by those who had spoken in reference to those transactions which had placed this money at the disposal of the Government. He could not, however, himself, with the opinions which he entertained, conclude without again expressing a hope that her Majesty's Government, upon further consideration, would think that without any dereliction of duty, they might, by the measure proposed, relieve a great deal of individual distress. He trusted that our operations in China would be attended with that success which the right hon. Gentleman justly anticipated, and that the whole amount demanded from the Chinese government would in the end be obtained; and he considered that an advance of a temporary nature might in the mean time properly be made, by which many individuals would be saved from great and severe privations and losses.

Mr. *M. Philips* observed, that many parties had been greatly aggrieved, and it was neither just nor expedient that they should be allowed to remain with their grievances unredressed. As there was now a large sum in the hands of the Government, he thought that it ought to be applied in doing justice to individuals who had suffered in consequence of giving way to the recommendation of Captain Elliott, acting on his responsibility as a public functionary. He wished to know, if the armament now operating against the Chinese did not prove successful, whether the present Government would hold themselves responsible for, and eventually make good, the losses which had been sustained? It was, he conceived, the duty of Great Britain to place her merchants in that high position which would not allow the Chinese people to think that the Government would for a moment hesitate to make good the losses of those merchants.

Sir *G. Larpent* in explanation, said, that the value put upon the opium was not an improper value, for Captain Elliott in his certificate stated, that there was a distinct understanding, that the value should be determined in such manner as was hereafter to be defined by the Government. The merchants had throughout acted with strict *bonâ fides*, and nothing could be fairer than their conduct.

The *Chancellor of the Exchequer* rose to say a few words in explanation. The hon. Member for Manchester had supposed him to have said, that he (Mr. Goulburn) had no fears as to the early termination of the war in China. He had not expressed such an opinion, though he had every reliance in the gallantry and enterprise of the officers and men who were engaged in China; but he had never undertaken to give an opinion upon the early termination of the war.

Mr. *Jardine* was at a loss to see what claims the Government had, except those which were founded upon the claims of the merchants. If any similar cause arose in which the East India Company was concerned, there could be no doubt, that the tribunals of the country would at once settle the dispute. It was the poverty and not the will of the late Government which prevented their making compensation; but now the cupidity of the Chancellor of the Exchequer kept back the money. In his opinion nothing was clearer than that the merchants ought to be compensated before the expenses of the expedition were taken into consideration.

Mr. *J. A. Smith* thought, that people ignorant of the forms of business in that House could come to no other conclusion than that this was a triumph of the strong over the weak. It was avowed, that an agent of Government had committed a certain act, and though that act had not been confirmed, it was evident, that if the Government of the day, when the expedition against China had been sent out, had continued in power, the merchants would have been paid. But this the present Government, backed by a strong majority, refused to do. If he had rightly collected the meaning of the right hon. Chancellor of the Exchequer, the merchants had nothing to expect, unless a sufficient sum could be collected from the Chinese government, not only to indemnify the merchants for their losses, but also for the costs incurred by the expedition. The costs, moreover, it appeared, were to be paid first. This was the first time in the history of this country, that it had been put forward, that one of the chief objects of a great military expedition was to obtain money to pay the costs of that expedition. The announcement of the Government of the day gave the merchants a right to expect, that the first object of the expedition would be to repair the losses incurred by British subjects, and in his opinion a departure from that rule would be a violation of the faith on which the expedition had been undertaken. The right hon. Chancellor of the Exchequer had made some remarks on the valuation of the opium that had been seized. It appeared to him most extraordinary that the right hon. Gentleman (the Chancellor of the Exchequer) should have indulged in any expressions against the claims of the opium merchants, without previous inquiry into the circumstances under which those claims were preferred. He hoped, that the time was not distant, when the conduct of the merchants would be made public in every particular. All he could say at the present moment was (and he spoke without the interest of one single farthing in the question), that from all he had seen and heard of the conduct of the gentlemen interested in the opium seized at Canton, it was impossible to conceive any thing more searching or satisfactory than the inquiry which they had courted upon the subject. He believed, that the conduct of those gentlemen was far beyond the reach of any insinuation that the Chancellor of the Exchequer could throw out against them, and he could only express his sincere regret, that that right hon. Gentleman had allowed himself to indulge in observations which, whatever the estimation in which they might be held in that House, might possibly be misunderstood elsewhere.

The *Chancellor of the Exchequer* would be sorry if any observation had fallen from him calculated to give pain to the parties interested in this question. When he spoke of the value of the opium that had been seized, he spoke only of what must be obvious from the proceedings in the courts of India, where the amount of value awarded was infinitely less than the amount claimed.

Mr. *J. A. Smith* explained the circumstances under which the award of the courts in India had been made.

Mr. *C. Williams Wynn* with much difficulty, and only by the aid of the gentlemen near him, rose on his legs.

Mr. *Blewitt* moved, that the right hon. Gentleman be allowed to speak sitting.

Mr. *C. W. Wynn* assured the hon. Gentleman that such an indulgence was unnecessary. He had been reluctant to rise until he had ascertained the views of the late as well as of the present Government, upon this subject. He had no knowledge whatever upon the matter beyond what he had learnt from the papers printed for the information of the House, and from what he had heard within the walls of the House. He had had no intercourse whatever with any individual interested in the claim. Strictly speaking, perhaps the claim was not a legal one; but he thought it must be admitted to have much weight in equity. Whether Captain Elliott had power under the instructions derived from his Government to pledge the credit of the country was a question upon which much doubt had arisen; but this, at least, could not be disputed, that he was held forth to the Chinese and to the British merchants in India as the representative of the British Government at Canton. In that capacity he pledged the faith of the British Government for the value of a certain quantity of opium, which he (Mr. Wynn) understood, as well from the papers laid upon the Table as from the statements made in the House, was not at the time in the possession of the Chinese government, but which Captain Elliott caused to be removed from British vessels and placed in the custody of the Chinese commissioner. He could not help thinking that the British Government was committed by this act of its representative. As regarded the money paid under the convention, and the mode of applying which formed the subject matter of the present motion, it appeared that Captain Elliott in this particular also had acted as the representative of the British, and in the character of a British Minister. If, instead of negotiating, that 6,000,000 of dollars should be paid to the British Government, it had been agreed that compensation to that amount should be given to the British merchants whose property had been surrendered, there would be no doubt that the merchants would have a priority of claim before all other persons. As the matter stood the money had been paid into the consolidated fund, and to that fund no doubt it legally and strictly belonged. The claims of the troops and seamen engaged in the service upon a sum of money so obtained could not be disputed. It was due to them in the same way as salvage was due to those who saved property from shipwreck. The troops and seamen had the first claim upon the money, and he highly approved of giving them, as they had received some part of the money. Then arose the question as to the appropriation of the remainder, whether it should be applied to the expenses of the expedition engaged in the prosecution of hostilities against China, or to the liquidation of the losses sustained by the merchants, whose property had been seized. It appeared to him that the settlement of the claims of the latter was rather a question of time than of right. No one, he apprehended, would dispute the right. The point to be determined was, whether they should be indemnified for their losses now, or at the termination of the war. In a strict legal sense, it might be doubtful whether they could put forward a claim to be paid at the first moment; but he certainly wished that some advance could be made to them. He owned that he felt a strong interest for the merchants of India; and he thought it of great importance—their property having been surrendered at the instance of the British superintendent, and with the distinct understanding that they should be indemnified for their losses—that the compensation to which they were equitably entitled should not appear to be unnecessarily delayed. He would rather that the motion now before the House should not be pressed to a division, but that the subject should be left to the further consideration of her Majesty's Ministers, who, he hoped, would take an early opportunity of paying to the merchants a part of their compensation, with an assurance that the remainder should follow as soon as the war was closed.

Sir *R. Peel* could have no other motive for taking any part in the debate than an anxiety to show the House that the Government were most desirous to do that which was just to the parties who were claimants, on the one hand, and, on the other, to do justice to that other party whose interest in such discussions as that before the House were ever neglected—the people of England. There were ever too many in that House like his hon. Friend, who looked too favourably upon the case of claimants such as those whose case was under discussion; but he trusted that there was a considerable majority in that House not interested in the opium claims, and whose constituents were unconnected with them, who might form their judgments upon the subject coolly and dispassionately. The question was, was it right, that having realised a certain sum on account of the ransom of a city, it should be applied for the liquidation of claims for opium, supplied on an emergency, or applied to the due prosecution of the war, undertaken for the purpose of obtaining satisfaction and compensation for that opium? The principles on which that war was conducted—the objects with which it had been begun—had been declared by the late Government. They were fully declared in a speech made by the noble Viscount opposite (Viscount Palmerston), who being asked with what objects the war had been undertaken, made answer,

> "The hon. Gentleman asks me what are the objects are the preparations making for the China expedition? I will answer the hon. Gentleman very generally. In the first place, it is undertaken in order to obtain reparation for the insults and injuries offered to her Majesty's superintendent, and her Majesty's subjects by the Chinese government; in the second place, to obtain redress for breaking the treaty, and indemnification for the loss of property sustained by her Majesty's subjects in China; and, in the last place, to obtain security for the future for the persons and property of her Majesty's subjects resident in or trading with China."

In the first place it was to obtain redress for insults and injuries, not for compensation for the opium. If the House were of opinion that compensation for the opium was due in the first instance, why not vote the whole of the money necessary? Why not vote 1,500,000*l*. or 2,000,000*l*. due to the merchants, and trust to the success of future operations for its repayment to the exchequer. If they were to apply or appropriate money received as the ransom of a city to the indemnification of these losses, on the same principle why not apply the credit of the Treasury—a treasury which was now empty? Surely if they applied the principle which his right hon. Friend had been contending for, it would be equally just to vote the whole sum, and trust to the success of our future hostilities for its repayment to the Treasury the cases were parallel, and rested on the same grounds. Were the Government to follow the advice given by his right hon. Friend, were they to appropriate the money received for the ransom of Canton to repay part of the losses of these merchants, then they ought to follow it up by taking it upon the Government, or rather to make the British people pay the whole indemnification to the merchants; and if the arms of her Majesty failed, which was what he could not for a moment believe possible, but supposing we failed to obtain full compensation, then the loss was to fall upon the British people. That was one point that he hoped the House would bear in mind on coming to a decision upon the motion of his hon. Friend. It had been said that Captain Elliott had pledged the Government to compensation; but did the House forget that the Government, under whose instructions he was acting, never admitted that responsibility; that they repudiated the whole transaction, and that they refused to honour the bills he drew upon them. There was no doubt the merchants acted under an impression that the superintendent was warranted in demanding the delivery of the opium, for what said Captain Thackery, who was one of the sufferers. In his evidence he said—

"The morning I left China I saw Captain Elliott. I then got his receipt from him, and he then stated to me, 'You will get your property returned to you as soon as you arrive in England.' I said, 'I hope it will be so.' He said, 'No doubt about it.' I said, "I conceived there would be no loss to the Government.' He said, 'In fact, we could be paid for it now if we liked.' 'Q. He held out to you the expectation of receiving the money for your opium immediately upon your arrival here?—A positive expectation."

There was no doubt Captain Elliott thought he was acting under his instructions, but the Government who gave him those instructions had never recognised his authority in the matter. They refused to pay his bills, and said the source of payment was to make the Chinese government responsible for the payment of the opium. The hon. Gentleman opposite (Mr. Jardine) had said the superintendent, Captain Elliott, did not act under any sort of restraint; that he was a free agent, and at no one moment in danger of his life; that, in fact, he was not acting under any durance in that engagement. Now, what said Captain Elliott of the compulsion under which he was acting.

"I, Charles Elliot, Chief Superintendent of the trade of British subjects in China, presently forcibly detained in Canton by the provincial Government, together with all the merchants of my own and the other foreign nations settled here, without supplies of food, deprived of our servants, and cut off from all intercourse with our respective countries (notwithstanding my own official demand to be set at liberty, so that I might act without restraint) have now received the commands of the High Commissioner, issued directly to me, under the seals of the hon. officers, to deliver over into his hands all the opium held by the people of my country. Now I, the said Chief Superintendent thus constrained from paramount motives, affecting the safety of the lives and liberty of all the foreigners here present in Canton, and by other very weighty causes, do hereby, in the name and on the behalf of her Britannic Majesty's Government, enjoin and require all her Majesty's subjects now present in Canton, forthwith to make a surrender to me for the service, &c."

That was the nature of the restraint under which he acted in demanding the delivery up of the opium. Now, what was the point in issue between them? The Government did not refuse to recognise the claims of the dealers in opium. They did not refuse compensation. Not at all; but they said, there ought to be a full inquiry into the whole of the claims. [Mr. *Lindsay:* The parties are most anxious to have a full inquiry.] They were anxious to have an inquiry, but they wanted to have the money first. They said, "Let us have an inquiry, but let us have an instalment now." But it appeared to him, that it would be a more regular proceeding to admit the claim conditionally, to institute an inquiry, and pay the money afterwards. The cost of the expedition to China had been 1,500,000*l.* already: he estimated, that 1,000,000*l.* more would be required for the present year. The war would be prosecuted with the utmost vigour in order to bring it to a speedy termination. They happened to have got most unexpectedly the ransom of a city; the question was whether it was to be applied to the vigorous prosecution of the war, or to the indemnification of the parties whose opium had been given up to the Chinese Government. If it were admitted as he believed it was by all, that the claim for indemnification was upon the Chinese Government, then, he thought, it would be better, that the money should be applied to an earnest and vigorous prosecution of the war, so that it might be brought to as speedy a conclusion as possible, and that the whole sum might be recovered. If they were determined to adopt a different course, then it would be necessary for them to vote another million to satisfy the claims—it would be absolutely necessary to do so whatever the financial difficulties might be—they must take another 600,000*l.* to add to it, out of an already impoverished Exchequer, and thereby add to their already large deficiency, and trust for the recovery of so large a sum to the future success of our arms. On the other hand, if they were of opinion, that the inquiries into the claims ought first to be completed, then the money would be employed in obtaining as speedy a termination of the war as possible, by which means compensation might be got at an early period. The hon. Gentleman had spoken of a strong and a weak party; in such discussions the weak party was the people of the country. There was always great sympathy shown with claimants of the description then before the House, as was shown by the discussion on the Danish claims. The question, however, was a very simple one—should the money be applied to the promotion of the success of our arms, or should it be applied in the liquidation of the claims for opium? If the House sanctioned that principle, it appeared to him, that they would be bound to take upon themselves the payment of the whole compensation, without reference to the result of the operations in China—they would be bound to fulfil the promise made by the superintendent, and vote the whole sum from the public treasury. He did not consider that view to have been taken by the late Government, nor was the present Government disposed to approve it; and he must, therefore, in the performance of a public duty, refuse his assent to the motion of the hon. Gentleman.

Lord *J. Russell* said, that the right hon. Baronet had stated very correctly the motives which had induced the late Government to undertake the expedition to China; its object was to resent insults and injuries offered to her Majesty's officers, and her Majesty's subjects, in that empire. If the terms which were originally proposed by her Majesty's representative had been acceded to by the Chinese, full satisfaction would have been afforded us; but as that reparation was refused, instructions were given for the attack of the defences on the Chinese coast; the island of Chusan and several towns were taken by our troops, and a portion of the Chinese forces were destroyed. That was the course to which we had been compelled to resort to obtain reparation for the insults and injuries offered to us as a nation. But a question then arose as to whether those merchants, who by order of the British envoy, had delivered up opium to the Chinese government, were fairly entitled to claim a sum of money as compensation for their loss. If this were put forward as a legal claim, the argument of the right hon. Gentleman would be perfectly correct—it would be a claim going to the full extent of their losses. But it did not appear to him, that this claim could be so regarded; it was rather a claim upon the equity and liberality of the British Government. The ground on which the Government was under an obligation to compensate the merchants was, that the Government would by the war obtain payment for the opium which had been destroyed. If, at the termination of the war, the Government obtained restitution from the Chinese authorities, and then refused to meet the claim of the merchants, the injustice of such a proceeding would be generally admitted. But, in the course of the military operations which had taken place, a sum of money had been obtained from certain persons by our representative in China. The right hon. Baronet (Sir R. Peel) said, that this money was to be considered in the light of the ransom of a city in the power of our troops, and that it ought, therefore, to be applied to meet the expenses of future operations. He thought there was great force in the observations which had been made by the hon. Member for Ashburton (Mr. Jardine) on this point. If the forces of her Majesty had attacked a certain town, and the Chinese commander had been permitted to retain that town, under specified conditions, on paying a sum of money to our generals or admirals, such a payment would have been properly and legitimately a ransom, and applicable to the expenses of the expedition. But in this case the payment was made to the civil negotiator—the representative of her Majesty—by Chinese commissioners, who were the very same commissioners to whom the opium had been originally surrendered. The Chinese officers assumed to act solely upon their own authority; they stated, that they were not authorised by the Emperor to advance any claims, or to grant any demands, but they undertook, in their own name, to transact business with the British representative. These commissioners delivered a sum of money to Captain Elliot, and he thought, therefore, it could not be considered entirely in the light of a ransom. The right hon. Baronet had said, that if any payment in the nature of an indemnity was made, it ought to be for the full amount of loss, and that according to strict form such payment should not be made till the termination of the war. But it must be remembered, that the sum to which allusion had been made was obtained from the civil commissioners of the Emperor of China in the course of the war. The right hon. Baronet (Sir R. Peel) had objected that, the real value of the opium surrendered had not been ascertained, and that it ought to be ascertained before a vote of money as compensation was made. Now, if there was any inclination to adopt a principle of concession upon this question, that it would affoad a conclusive objection to the motion before the House. If the Government were willing to consider whether any allowance or advance should be made to the merchants who claimed indemnity, and to ascertain the actual value of the opium upon which compensation could be required, that would at once answer the object of this motion. Though he thought that the latter part of the motion, pledging the Government to propose a vote to the full extent of the sum received from China, was more than Ministers could be expected to accede to, when the question came before committee; yet, as this was not a demand for a new expense, but a claim, he considered, founded in equity, he should, if the hon. Gentleman (Mr. Lindsay) conceived the only way of obtaining his object, was by pressing this motion, feel it his duty to give his support to the proposition. If, however, the hon. Gentleman thought it probable, that this subject was likely hereafter to receive the favourable consideration of Government, he considered, that he ought not to press the motion to a division.

Mr. *Lindsay* said, if her Majesty's Government would undertake to give the parties who claimed compensation an opportunity of fixing the value of the opium, and would afford any hope, that an advance would be made on account of indemnity, that would be perfectly satisfactory to him.

Sir *R. Peel* said, the hon. Gentleman must exercise his own discretion as to the course he would pursue with regard to his motion. The Government had directed inquiries to be instituted in India for ascertaining the value of the opium which had been seized, but he could not pledge himself, that such inquiries should be prosecuted in this country. His hon. Friend must decide for himself, whether or not he would take the sense of the House on the question of applying the sum received for the ransom of Canton to the compensation of the owners of opium.

The House divided;—Ayes 37; Noes 87:—Majority 50.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Bannerman, A.
Barclay, D.
Bowring, Dr.
Brodie, W. B.
Buckley, E.
Busfeild, W.
Chapman, B.
Colebrooke, Sir T. E.
Duncan, G.
Duncombe, T.
Forster, M.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Holdsworth, J.
Hutt, W.
Jardine, W.
Johnstone, A.
Larpent, Sir G. de H.
Mangles, R. D.
Morris, D
Norreys, Sir D. J.
O'Brien, W. S
Palmerston, Viscount
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Pulsford, R.
Russell, Lord J.
Scott, hon. F.
Smith, A.
Smith, J. A.
Stuart, W. V.
Wood, B.
Wynn, rt. hn. C. W. W.

TELLERS.

Lindsay, J. J.
Staunton, Sir G.

List of the NOES.

Acton, Col.
Allix, J. P.
Arkwright, G.
Ashley, Lord
Bailey, J. jun.
Baillie, H. J.
Baring, hon. W. B.
Baskerville, T. B. M.
Bentinck, Lord G.
Botfield, B.
Broadley, H.
Brotherton, J.
Burroughes, H. N.
Chute, W. L. W.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colville, C. R.
Coote, Sir C. H.
Corry, right hon. H.
Crawford, W. S.
Crosse, T. B.
Currie, R.
Damer, hon. Col.
Darby, G.
Dick, Q.
Douglas, Sir H.
Douglas, Sir C. E.
Drummond, H. H.
Eaton, R. J.
Egerton, Sir P.
Emlyn, Viscount
Follett, Sir W. W.
Ffolliott, J.
Fuller, A. E.
Gaskell, J. Milnes
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimsditch, T.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Humphery, Ald.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Lawson, A.
Liddell, hon. H. T.
Lincoln, Earl of
Lygon, hon. Gen.
Mac Geachy, F. A.
Mainwaring, T.
Marshall, W.
Martyn, C. C.
Master, T. W. C.
Miles, W.
Morgan, O.
Mundy, E. M.
Napier, Sir C.
Peel, right hon. Sir R.
Praed, W. T.
Pringle, A.
Rae, right hon. Sir W.
Reade, W. M.
Rose, rt. hon. Sir G.
Round, C. G.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Stanley, E.
Sutton, hon. H. M.
Tennent, J. E.
Tollemache, J.
Trevor, hon. G. R.
Vane, Lord H.
Vere, Sir C. B.
Wakley, T.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C. W.

TELLERS.

Fremantle, Sir T.
Baring, H.

INSPECTION OF COUNTY LUNATIC ASYLUMS.] Lord *G. Somerset* rose to bring forward the motion of which he had given notice, relative to the inspection of lunatic asylums in England and Wales, licensed by the magistrates at quarter-sessions. It was notorious to every gentleman who had paid any attention to this subject, that various attempts had been made to regulate these houses for the reception of insane people, and that the attention of the House had frequently been called to the subject, especially by the right hon. Gentleman near him (Mr. C. W. W. Wynn), and not without beneficial result; and at length the system now in existence had been established, after parliamentary inquiry. The House was not perhaps aware of the main provisions of the act then passed, which were still in force, and therefore, he trusted, he should be excused for shortly stating them, in order the more easily to explain the proposition for which he intended to move. The great object of the act passed in 1828, and subsequently subjected to several amendments, was to take care first, that there should be proper houses, of a proper character, licensed for the reception of insane people; the next object was to cause those houses to be conducted on such principles as would conduce to the comfort, and insure the proper treatment, of the inmates; another object was to prevent persons not in a state of insanity being placed in confinement; and, lastly, to prevent persons properly placed in lunatic asylums being kept there after their recovery. But he was ready to admit, that there was a very large class of persons, with regard to whom that act made no provision, and with regard to whom the sympathies of the House must always be strongly excited; he meant those individuals who were either kept in confinement in their own houses, in separate lodgings, or in public institutions, such as county asylums, and the hospitals of Bethlehem and St. Luke's. With regard to these parties, he did not intend to offer any suggestions whatever. He meant to confine his attention to those individuals who were kept in the licensed asylums in the country, and not in the metropolitan districts. By the act to which he had referred all licensed houses were brought under two separate and distinct authorities—namely, a certain portion under the authority of a commission of twenty individuals, five of whom were physicians, two barristers, and the rest gentlemen who, without remuneration, dedicated their time and trouble to this object. All licensed asylums in the county of Middlesex, and in the various parishes adjoining in Surry, Kent, and Essex, were placed entirely under the superintendence and management of the gentlemen of this commission. Nearly one-half of the licensed asylums were situated in the metropolitan district, and about the same number of persons was confined in these as in the private asylums throughout the country. The remainder of the houses licensed throughout the rest of England were placed under a different jurisdiction; they were licensed by the magistrates at quarter-sessions, and placed under the superintendence of physicians and magistrates then appointed to visit them; and who devoted their time to this work of humanity. But it was impossible to suppose that the same regularity of attention and advantage could be derived from this superintendence of the county magistrates with the occasional assistance of medical practitioners, as could be obtained from the regularly appointed commissioners. He did not mean to cast any reflections on those who discharged the duty of visiting the country asylums, who, if placed in the same position as the metropolitan commissioners, would be just as valuable; it was of the system that he could not approve. He would not therefore abrogate the present mode of inquiry and visitation in the country, but superadd individuals of experience and knowledge on a similar system to that carried out in the metropolitan districts, in order to obtain greater regularity and efficiency in the visitations. One of the most important duties that could devolve upon the visiters was, to see that the house which was licensed for a certain number of individuals should not receive a greater number of patients than it was licensed to take. Without particularizing cases, he was prepared to show from returns he had received, that in more than one instance more patients had been received in licensed asylums than was warranted. Nothing also was more important than that the visiting magistrates should be regular in their visits to these houses; but the returns showed, that in many counties, in some years, the three annual visits provided for by law, none had been made. This showed that some remedy was wanting; and that remedy ought not to be left to the gratuitous exertions of individuals, but should be provided by imposing on some parties official responsibility, and securing the certainty and regularity of superintendence which official responsibility was likely to lead to. He did not wish to create any prejudice against the proprietors of lunatic asylums, for he had seen amongst them, during three or four years' experience, a strong disposition to act with humanity and every degree of kindness and good feeling; but he urged, on the general principles of human nature, that it was of importance, that these individuals should be actuated by a salutary apprehension of the inspection of intelligent and independent individuals. On the other hand, he would not have the commissioners or visiters interfere in the medical treatment of patients. He believed, that no system could work better than that of the London commission. The medical, legal, and other gentlemen of that commission, had vied with each other in their exertions to render their superintendence as efficient as possible. They had not only done a great deal of good by their exertions, but had prevented much harm. Nothing could be more valuable than the services of the barristers who had been appointed on the commission during the whole period of their appointment. His object was, by the bill he wished to introduce, to appoint that some of the commissioners acting in London should make circuits of inspection to the asylums in the country districts. He had not the slightest doubt but that the habits of business which these gentlemen would have acquired would be found most valuable; and their being also a part of the London commission would act as a check on their proceedings in the country; and the advice of their fellow-commissioners in London would be very useful to them in the proper discharge of their duties. He had now to consider whether it would be desirable to have medical or legal gentlemen, as paid commissioners, to make circuits through the country. He was of opinion, that it was not so desirable to appoint medical men; as generally, though there were some brilliant exceptions, they were not distinguished by the habits of exactness which legal men acquired from their education; and also because it would be difficult to get any medical gentlemen of first rate ability—and others he should be sorry to see appointed—to give up their practice, and dedicate the whole of their time to the duties of their situation; more especially as it was not in his (Lord G. Somerset's) power for various reasons to move that the bill should be more than of temporary duration. What he proposed to do was this—that instead of the legal commissioners being appointed, as they now were—allowed to practise, and only paid for the hours they devoted to this duty—that they should dedicate the whole of their time to the duties of the situation, and be paid by such a salary as should insure the appointment of proper individuals of high legal attainments, and which at the same time should not be so large a salary as to encroach on that fair economy which was proper to be observed. He proposed, therefore, that legal gentlemen should be appointed with a fixed salary; that so long as they continued on the commission they should devote the whole of their time to the duties of the situation, and to their duties on the London commission. He proposed, that these commissioners should, once at least in every four months, visit every licensed asylum for the reception of insane persons in the country. It appeared from returns made, that there were somewhere about sixty or seventy houses licensed for the reception of insane persons in the country. It was rather curious to observe, that in about twenty-five counties—in all the counties in Wales, and some others in England—there was not a single licensed asylum for the reception of insane persons. Consequently, without allowing more than fair time for relaxation for health, he conceived the barrister-commissioner would have proper time to visit regularly every asylum in the metropolitan district four times, and in the country district three times a year. It was not his intention to do away with the visits of the magistrates in the country district as established by law. He thought, that the barristers, from their experience acquired in London, and from their knowledge of the law, would make the local magistrates more active in the discharge of their duties, and that the result would be a very regular superintendence on the part of the magistrates as well as by the commissioners. Every licensed asylum in the country would thereby be visited six times each year; and he thought also, from the greater degree of exertion which would be caused amongst the country gentlemen, that they would be induced to be more frequent in their attendance than the law required. On the visits to be made by these individuals, he proposed that their attention should be specifically directed to various matters—first to the state and description of the licensed house; next, to the treatment of the patients; then to an examination of the certificates, and more especially how far the patients were fitting or otherwise for removal to a lunatic asylum. Such were some of the principal duties which he meant to devolve on these barrister-commissioners. At present it was a most cumbrous process which the law provided, in order to get a person out of the licensed houses; he believed the only course to be pursued at present was, to make an application to the magistrates at quarter-sessions; and thus in the country three or four months sometimes elapsed before the unfortunate individual could be released. Now, what he proposed to do in this respect, would be to accelerate the process in the metropolitan districts by the amount of fifteen days. This he proposed to effect by two operations. At present the law required, that there should be four days' notice before the meeting of the commissioners in the metropolitan district could take place. This notice he proposed to reduce to twenty-four hours. The visits to the patient, prior to his release, were now three in number, with an interval of fifteen days between each. The third visit he proposed by this bill to do away with, and that the commissioner should have power to let out the individual if he so thought fit. With regard to the country districts, he proposed reserving all the powers of the visiting magistrates as they now stood; but that the barrister-commissioner should be allowed, and specially enjoined, to consider the state of mind of every person in the licensed houses, and if he had a doubt of the insanity of any of them, he might proceed, after two visits, with an interval of fourteen days between them, to release such individual on his (the commissioner's) own authority, aided by the opinion of a medical man, to be called in for that purpose. There were various other small particulars which would be contained in the bill, all tending to the comfort of the unhappy patients confined in the licensed houses of reception, and which went to regulate the mode of visitation. He would here observe, that he, together with his noble Friend the Member for Dorsetshire, had considered how far it was possible to provide against the improper confinement of persons not in lunatic asylums. They had thought it desirable, if possible, to devise some means more stringent than at present existed to prevent parties being improperly confined, and they had just considered whether it would not be possible to make regulations as to the competency of the party who should sign the certificate, without which no party could be confined. In London they found it would not be very difficult to accomplish this, but in the country the difficulty would practically be such that he was not willing to throw any obstacle in the way of the certificate which necessarily accompanied persons sent to licensed houses of reception. The present certificates would therefore remain as they were at present. Neither did he mean to attempt to regulate the care of a very large class of individuals who were in confinement in private dwelling-houses, and who suffered much more serious grievances than the patients confined in well-regulated licensed houses. The class of persons to whom he alluded were left in the care of individuals over whom there existed little or no power of supervision, and therefore he admitted their case required very serious consideration, and he would very gladly, if it were possible, devise some remedy for the evils. But he remembered when the first act on the subject had been introduced in 1828, and on discussions upon subsequent measures, founded on reports of select committees of the House, great consideration had been given to the possibility of interfering with patients of that description; and on the whole, looking at the delicacy of an interference with the feelings both of the patients so confined, and of their friends and relations who had the care of them, it had been thought not to be advisable to attempt to regulate further than the present law did, persons so confined in private houses. This decision had been come to out of delicacy to the sufferers themselves, to whom the visits of strangers might be irksome. As to the feelings of the relatives of these parties, they presented a great difficulty in the way of such a visitation as would be effectual. What was the fact? Why, that the very reason they did not send the patients to the licensed houses was, because they would be there exposed to the constant visits of the commissioners and public authorities, and therefore they preferred doing that which was most inconvenient—namely, to keep them at home. He did not mean by the measure to attempt to interfere with the public institutions, such as Bedlam, St. Luke's, and the county hospital. He believed that, generally speaking, those hospitals were very well conducted, though he did not think it would be a bad thing to have an inquiry into the manner in which those institutions were conducted. He would admit at once that in proposing this measure he did not do all that he thought could be done in the matter, but he could not help expecting that by doing what he now proposed there would be laid the foundation of a better general system, and that after the information which the commissioners would acquire by their communications with the country, the whole subject would be brought to a focus before the London board. From this great good would arise, and eventually Parliament would be enabled to legislate upon this important subject on a broader and more extensive basis. It might be known to the House that a noble and learned Friend of his had proposed in another place a bill to lessen the costs and expenses attending the conduct of a commission of lunacy. He thought eventually a very useful union might be effected between the commissioners his noble and learned Friend meant to appoint under that bill, and the commissioners who were to inspect the lunatic asylums throughout the kingdom. But, on the other hand, he was of opinion that it would not be advisable to attempt to carry out that principle at present. He thought the experiment of his noble and learned Friend in the other House should be carried out before any amalgamation of the two classes of commissioners should be made, and he desired also to see how his own proposition worked before he ventured to adopt that which, in the end, might be thought useful and desirable. He was aware that in this manner he had confined himself to narrow limits, but still he could not but think that he had gone as far as, under the circumstances, he ought to go. He admitted that his proposition was very short of the wishes of some Gentlemen he saw opposite, and that it did not extend so far as he himself could wish; but, as a precedent of something more extensive, he thought even this little might be useful. With these observations, he would now move for leave to bring in a bill to provide for the more effectual inspection of houses licensed by the magistrates in quarter-sessions for the reception of insane persons in England and Wales.

Mr. *Wakley* returned his thanks to the noble Lord for having given his attention to this subject—a subject which had very long indeed demanded the best consideration of the Government of the country, and which had the strongest claims upon both the sympathy and the time of Parliament. When he had said this, he must express the disappointment he felt at the measure the noble Lord had proposed. The noble Lord had said, and he agreed with him—that this was a small measure indeed, compared with what was required and called for—nay, he (Mr. Wakley) thought that the measure was too insignificant to admit of any designation at all. Look at the state of the law with reference to lunatics in England, in Ireland, and in Scotland. In Scotland, there was one system, in Ireland there was another, and in England there were several, and among them all there was not one which on the whole was entitled to the sanction and approbation of the public, or which was worthy the adoption of the noble Lord. Now, the returns of the labours of the commissioners were before the House, and upon another and an early occasion he would take the opportunity of calling the attention of the House to what they had done, for he did not wish to condemn them without making a statement of facts which would justify him in doing so. The proposal of the noble Lord was, in substance, this—that there should be appointed two commissioners, to visit the licensed houses for the reception of insane persons out of the metropolitan districts. Now, what were licensed lunatic asylums? They were hospitals—houses of reception for the treatment of persons afflicted with the most grievous disease to which humanity could be subject. And what did the noble Lord propose? He proposed to appoint two barristers as medical visitors to these hospitals—two gentlemen of the legal profession were to be selected to visit the hospitals in this country. He did not suppose the noble Lord intended this proposition as an insult to the medical profession; but, if it had been so intended, one of a more marked character could scarcely have been offered. Was the noble Lord aware that the whole evil of the present system consisted in the medical treatment; his proposal did not touch that cause of complaint, or any of the defects of the present system. If there were competent inspectors of a medical education to inspect, examine, and to scrutinize the medical treatment, and to see the means of cure, then an advantage would arise to the unfortunate patients who now suffered grievous and painful neglect. The noble Lord had said he did not mean to touch the great institutions, nor to extend the measure to persons confined singly. Now, looking at the number of persons bereft of reason, and who were in a state of confinement without the means of communicating with their friends, he thought something more comprehensive was necessary, to meet an evil of such magnitude. He thanked the noble Lord for the time and attention he had paid to the question, but he must entreat him not to propose the second reading until some distant day, and in the mean time, if the House would permit him, he would lay the whole case of the asylum treatment of lunatics and the report of the metropolitan commissioners before it, and would then ask the Government if they would refuse to appoint a commission to investigate the whole subject with a view to legislating upon it for England, Ireland, and Scotland. He repeated that the measure now proposed would not remedy one of the existing evils. The visitations appointed by the bill were not numerous enough. As he meant to ask the attention of the House to the whole subject immediately after Easter, he begged the noble Lord to postpone further proceedings on the bill till he should have made his statement.

Mr. *Hawes* was disappointed with the measure, which he thought so small as hardly to be worth producing. The appointment of barristers to judge whether a lunatic should or should not be retained in an asylum was absurd. The public hospitals ought to be rendered liable to inspection. At present a different system of inspection was adopted in each; in some there was no system at all. The noble Lord had not told them what amount of salary he proposed to give the barristers; this was a very important point, because if they were to obtain legal functionaries of any reputation, they must pay them well. He thought there was no objection, if there must be a legal inspector at all, to joining a medical one with him. The inspectors ought to have more power than at present, which the bill did not give. He hoped considerable time would be given before the second reading, in order that hon. Members might give a full consideration to the subject; but he would much rather that the bill were suspended, in order that the London board of commissioners might have time to take into their consideration the subject of the bill, and that a more extensive and efficient measure might be framed in pursuance of their suggestions than this could ever be.

Lord *Ashley* wished the measure had gone somewhat further. However, even under the present law, the House was unaware, he was sure, of the very great improvement that had been effected. No one could be properly acquainted with the defects of the provincial system but one who had seen the working of the metropolitan system. In the former there was no effective visitation whatever. A very large proportion of the houses occupied as asylums were not reported on, and no knowledge was to be had respecting them. The consequence was, that the London commissioners in respect of them were wholly unable to carry out the great objects of the statute. They had not the power of tracing lunatics through the provincial houses, and therefore could not tell what was done with them. That power it was desirable they should have. The proper sphere of the board, however, was to control, not to suggest. It would baffle the ingenuity of the Member for Finsbury (Mr. Wakley) to institute a practicable system of uniformity for all the asylums in the country. Take the system of non-coercion, it would be impossible to enforce its adoption in all asylums. The great expense would be an effectual obstacle in many cases. It should be remembered that persons having the care of lunatics were seldom highly paid for their services, and they had little inducement to try experiments of new modes of treatment. From his own observation, however, he was able to testify to the great good affected at the Hanwell Asylum by this system, where the coercion had been reduced at least two-thirds. With respect to the question of legal inspectors, he must say, speaking from the experience he had had in visiting these houses, that although so far as health was concerned the opinion of a medical man was of the greatest importance, yet it having been once established that the insanity of a patient did not arise from the state of his bodily health, a man of common sense could give as good an opinion as any medical man he ever knew. But it was found of very great importance, in many instances, to have a person as inspector who had been brought up to the law. With respect to the certificate, there was no one point in the whole range of these operations on which it was so difficult to come to a conclusion as on the certificate. If the law were applicable only to the large towns, he should think they might make several improvements in it; but applicable as it was to the whole country, where there was often only one medical man within a range of several miles, you must take whoever you could get, and instead of having certificates from men of five years' standing, they were often obliged to take those of men of one or two years. Hon. Gentlemen opposite said, that there was too great a facility for incarcerating these unfortunate persons; he went elsewhere, and found persons of equal feeling asserting that such was the state of things that there was no regard for the public safety—madmen were walking about in all directions. What, then, were the commissioners to do? They had aimed at a medium line of policy, and an immense amount of human misery had been abated under the present law, and by the industry of those who carried it into execution.

Mr. *C. Williams Wynn* thought the measure did not go far enough, but that what it did would be of considerable benefit to the community. The bill, on the whole, had his approbation, and he would give the measure his best attention, so as to render it as beneficial as possible.

Leave granted.

NEW POOR-LAW — GILBERT UNIONS.] Mr. *T. Duncombe* rose to move for—

> "A select committee to inquire into the administration of relief to the poor in parishes incorporated under Gilbert's Act, or subject to the provisions of any local act, and to report whether it would be expedient or just to repeal those acts for the purposes of substituting in lieu thereof the Poor-law Amendment Act."

The proposition was so reasonable in itself that it would not require much time to impress upon the House the justice of acceding to it. To give effect to the prayer of the petitions which, on that evening and at various other times, he had presented upon this subject, he would take leave to call to the remembrance of the House the state of the question. When the New Poor-law Act was proposed in 1834, by Lord Althorp, great apprehensions were entertained and expressed by several Members lest the operation of the measure then about to be introduced should interfere with the unions established under Gilbert's and other local acts. The then Member for Marylebone (Sir S. Whalley) put the question to Lord Althorp, and asked whether it was intended that the bill should interfere with these acts. The answer given by his Lordship on the 17th of April, 1834, was as follows:—

> "As to the observation of the hon. Member for Marylebone, who hoped that the Commissioners would not interfere with parishes that were well regulated, he (Lord Althorp) had only to say that he hoped they would not. The only mode in which he trusted they would deal with such parishes would be by following their example. When a parish was really well-regulated, it need not entertain the slightest apprehension of interference on the part of the Commissioners."

This promise Lord Althorp fulfilled to the very letter; for, by the 32nd clause, though a power was given to the commissioners from time to time to dissolve, add to, or take from any union, whether formed before or after the passing of the act, it was provided in a subsequent part of the clause that no such dissolution, alteration, or addition should take place or be made unless a majority of at least two-thirds of the guardians of such union should also concur therein. Here, then, was a solemn compact entered into by Parliament with respect to these unions which existed under local acts. If that compact had not been entered into, such was the opposition at that time offered to the measure, that Government would have found the greatest possible difficulty in passing it. That clause, however, neutralised the opposition to the bill, and as the law now stood, before any of the unions established under those local acts could be brought under the control of the Poor-law Commissioners, it was necessary to procure the assent of at least two-thirds of the guardians for that purpose. The Poor-law Commissioners had induced several unions to dissolve, and the majority of the guardians had given their consent to have the local acts repealed, but there was still a considerable number of unions established under local acts which were, as yet, by no means satisfied as to the alleged superiority of the working of the new system. What was now proposed to be done by the two measures which had lately been introduced to the House? It was proposed to grant to the Poor-law Commissioners a power to dissolve the Gilbert unions and other unions incorporated under local acts without the consent of the guardians. That which by solemn compact was vested in the guardians, and which could not be taken away without the consent of a majority, amounting to two-thirds, was about to be wrested from them by force, and the unions dissolved at the will of the commissioners, by the new bill of the right hon. Baronet. It was true, when he questioned the right hon. Baronet as to whether this was the intention of the bill, the right hon. Gentleman made no answer as to what the Government intended to do. The right hon. Gentleman was silent upon the point, and contented himself by saying that it would be then inconvenient to enter into details, and then declined to answer. There were others, however, more communicative than the right hon. Gentleman, who were aware that it was the intention of the Government to grant to the commissioners power to dissolve these unions, and that a bill for the purpose would be brought in soon after Easter. If such was the intention, would it not be a gross breach of faith to violate a compact which had been entered into for the purpose of neutralizing a powerful opposition, and to do now, when the party was supposed to be weak, what the promoters of the law would not have dared to do when the act was in progress? There was another reason why the House should consent to adopt his motion. The fact was, that they were pledged to grant a hearing to the parties who petitioned on this occasion. When a committee sat upon the subject upstairs in 1838 several charges were made against these unions which he was informed were groundless, and he challenged the proof of them by the commissioners. The parties against whom the charges were made stated it as their opinion that they were put forward for the purpose of inducing the House to grant to the Poor-law Commissioners power to dissolve the unions. He, acting upon this information, moved that it should be an instruction to the committee to inquire into the alleged mismanagement in the Gilbert unions and others incorporated under local acts, and to report thereon to the House. The report, at page 418, stated that,—

> "Obstacles were raised on the part of the guardians to the dissolution of the unions, partly from adverse personal interests, and partly from the difficulty of convincing them of the general advantages of a change of system."

The report also stated that,—

> "Under Gilbert's Act the guardians receive some 5*l.*, some 10*l.*, and some as much as 20*l.* each."

Now, this he was prepared to deny. There were 160 parishes in the West Riding of Yorkshire, and he denied that any of the guardians of the Gilbert unions had received one shilling. The report further stated,—

> "That many of the guardians were uncultivated and prejudiced persons—that they were unable to write their own names—that arguments of a general nature were totally unintelligible to them, and that they were guided in their proceedings by matters purely local."

Now, he was satisfied the agricultural Members of the House would agree with him in saying that this was a gross libel on those persons. So far from being unintelligent, they had very excellent ideas of their own interests, as well as of what was due to the poor; and they gave the best proof of their intelligence by preferring the system which would preserve the unions under their own government and control. In 1838 the House consented to institute an inquiry, and he stipulated that they should not confine the inquiry to Poor-law Commissioners and their assistants, but that practical men should be called in to furnish the committee with the information of which it stood so much in need. Of that committee Mr. Fazakerley was the chairman, and he told that gentleman that he had a list of persons whom he wished to have examined. That gentleman replied they should be examined, and added, that information should be given as to the time when it would be convenient for them to attend. The committee was overwhelmed with business—two or three Poor-law Commissioners were examined, but not one of the names in his list was called upon, though they were most anxious to give evidence. This, he conceived, was a gross breach of faith with regard to these parties. The reason given for this conduct was, that the unions under local acts interfered with, and were hostile to, the uniform operation of the new act. For his own part he liked them the better for that, as in his mind the new act was not quite so agreeable to the public as by any means to render its uniform operation desirable. He was authorised to state, on the part of these unions, that if a committee were granted, if a full and fair hearing were allowed, and if it could be shown that the operation of the new act possessed advantages over their system, they would consent to dissolve the unions. Could any thing be more fair than that? Why would the House shrink from inquiry? Was it that it dreaded a comparison? He would read to the House an extract from a letter which he had received from the Rev. Mr. Bathurst, of Leeds, in which that gentleman most strongly urged investigation. His words were these:—

> "Such an inquiry we desire, and I hope we are not so unreasonable as to wish to maintain our system if the judgment of impartial and competent persons pronounces it, after careful investigation, to be decidedly inferior to that of the New Poor-law. The petition is sent to Mr. E. B. Denison for presentation, and it is hoped that he will be disposed to support your motion for a committee of inquiry."

He hoped he had now said enough to convince the House of the justice and expediency of his motion. He did not want to extend the inquiry over a very wide field, nor to investigate the whole of the Poor-law, but where unions founded upon the two different systems lay contiguously to each other, let both be compared, and it would soon be perceived which was the more humane, the more economical, and the more satisfactory in its operation. The hon. Gentleman concluded by moving for the committee.

Captain *Pechell* seconded the motion with the most cordial satisfaction. The inquiry was asked for on two grounds—first, because charges of the grossest peculation and ignorance had been made by the commissioners against the guardians of the Gilbert unions. Those incorporations were spread over a great part of the country, especially in the counties of York and Sussex, and embraced a population of not less than 5,000,000 souls. It was most necessary that charges brought against the officers of those important bodies should be rebutted. Mr. Hall, the assistant-commissioner, in his report, stated that the opposition raised to the dissolution of those unions on the part of their guardians, arose partly from their adverse personal interests, and partly from the difficulty of convincing them of the advantages which would result from a change of system; and that the guardians in the rural districts were so ignorant that many of them were unable to write their own names. Now, in the county of Sussex, where there were two large incorporations, he would pledge himself that the guardians were of a very different description. In the nineteen parishes which composed the East Preston Union the guardians represented property to the amount of 14,000*l.* a year, many of them being proprietors, and others renting farms of the value of from 500*l.* to 1,000*l.* a year. Mr. Hawley stated, that these incorporations still continued unsubjected to the provisions of the New Poor-law, and were of mischievous example to the newly formed unions. Now, every person must know that those unions were subjected to the provisions of the New Poor-law so far as was consistent with the operation of Gilbert's Act, though they were not subject to the uncontrolled influence of the Poor-law Commissioners. Was it, he would ask, of mischievous example to provide increased comforts to the old and decayed poor in the workhouse, who had probably seen better days? Was it of mischievous example that the guardians should exercise the power of considering the conduct and character of persons who applied for relief? Was it mischievous to allow the paupers to go to church on Sunday and hear divine service? Was it mischievous to allow them better and more wholesome diet, with beer, which article was expressly mentioned in the schedule to Gilbert's Act? If the guardians neglected their duty, was it mischievous that a *mandamus* should issue to compel them to observe the rules and regulations prescribed for the management of the incorporations? In these unions relief was allowed to be given without sending the poor man to the workhouse. Mr. Hawley again charged the guardians with having acted illegally in selling goods to the poor, but it turned out on inquiry that one of them was in the habit of laying in a stock of fuel, and allowing the poor to purchase it during the winter at half-price. Before a committee he could produce evidence which showed that that was the fact. Assistant-commissioner Hall being asked,

> "Were the guardians paid for their attendance under Gilbert's Act?" answered, "Within my experience they were almost all paid. I believe all." "Was the payment sufficient to be an object to a person in the situation of guardian?—Certainly. The majority of the guardians within my experience were persons to whom the salary was a considerable object." "What was the amount of the salaries?—They varied from 5*l.*, 3*l.*, to 30*l.* per annum."

Now, the fact was, that the guardians under Gilbert's Act were under a penalty of *5l.* for non-attendance at their monthly meetings; so that a guardian might, under some peculiar circumstances, be liable to the payment of *60l.* in one year. Mr. assistant-commissioner Power was asked before the committeee of 1838,

> "Can you give the amount of rates in the Gilbert unions?—No, I cannot:" "Are they more or less generally than in the Poor-law union?—They would be much less than in some Poor-law unions that are now existing in other parts of the country, as compared with the population." "Have you heard of any complaints from the ratepayers in the Gilbert unions?—No, I have not." "Have you heard any complaints from the labouring poor?—No." You say that the expense of Gilbert unions is probably less than in some of the unions under the Poor-law Act?—Yes, I have no doubt that it is, in proportion to the population." "What was the nature of the objections which the guardians of the Gilbert unions raised to being put under the New Poor-law?—In the first place they entertained a considerable distrust of the value of the amendments. I think also their unwillingness to dissolve has been very much increased by the better management, and a considerable reduction of rates, which has been effected by them within the last three or four years. I think they have an increased confidence in their own management, and they do not know, and it is very difficult to explain to them, the value and advantages of the change proposed to be introduced."

Mr. Richard Hall, assistant-commissioner, in answer to a question, says

> "That in some of the Gilbert unions the rates are lower. In those Gilbert unions which afterwards formed the Lutterworth Union I found the rates lower than in the adjoining union of Market Harborough, where there had been no Gilbert unions."

Mr. Pilkington, at a meeting at Worthing, July, 1835, assured the meeting that the commissioners had no other object in view in wishing for a dissolution but their benefit; that they had doubts as to the powers of the guardians in the case of able-bodied paupers, as in Norfolk a doubt was entertained, and the question had been much mooted; and but for this doubt the commissioners had no desire to interfere, their wish being merely to strengthen the hands of the guardians, and that, if all parishes were as well managed as Worthing, there would not be any occasion for commissioners or assistants. The present motion extended also to an inquiry into the administration of parishes under local acts; and he might cite the example of Brighton in proof of the excellent manner in which they were managed. The expenditure by guardians under local acts for ten years from 1830 was as follows:—From 1830 to 1834, 121,288*l.*; from 1835 to 1839, 100,121*l.*; showing a decrease of 21,167*l.* The county-rate for the first five years was 8,906*l.*, for the second five years 13,906*l.*, showing an increase of county-rate of 5,000*l.* The weekly average of inmates maintained in workhouses for the first five years was 343, for the second five years 401, showing an increase of weekly average for the last five years of fifty-eight. No better proof could be had of the prudence with which the affairs of such parishes were managed than the provision inserted in the act of last Session, that the commissioners should not have power to enact rules and regulations for the parishes under those acts.

The question having been put,

Sir *J. Graham* said, his parliamentary experience had informed him long ago that no motion was so specious or attractive as one for a committee of inquiry, and also that it was one frequently very convenient for the executive Government. If it were consistent with his sense of duty to acquiesce in the present motion, he knew no occasion on which the latter part of the proposition would be more true. The committee, if granted, would not terminate in the present Session, and probably not in the next, and nothing would be more easy or more convenient than for the Government, under the shelter of an interminable committee, to propose a short bill towards the end of the present Session to continue the Poor-law Commission for one year more. But he did not think it his duty to acquiesce in any such proposal. On the part of her Majesty's Government he should, as soon after Easter as the state of the public business permitted, offer to the House, as he had already stated, not a measure for the superseding of the powers of the commissioners, but a bill embodying such emendations of the law as experience would seem to justify and render desirable. He had already refused to state by piecemeal what was the extent or character of the alterations he intended to propose. He thought such a course would be, on many accounts, exceedingly inconvenient, and he must, despite the temptation now offered him, continue to adhere to his original opinion, that it would be most unsatisfactory to discuss the principles of so great and important a measure upon every question or motion that was raised relating to it. He submitted, that this was not the time or opportunity to enter upon such a discussion, and therefore he must decline to follow the hon. Gentlemen who had just sat down in the arguments they had used with regard to the measure. At the same time there were some remarks which had fallen from those hon. Members which he could not but feel it his duty to notice. The hon. Mover had read a report of an isolated passage in a speech delivered by Lord Althorp, which he interpreted to contain a pledge that the Gilbert unions should not be touched. Now, he had been a Member of the Cabinet which introduced the Poor-law Amendment Act —he had been a party to that measure—had been fully cognizant of all the points considered in connexion with it prior to its being submitted to Parliament, and he could distinctly state, that in the first draught of the bill the repeal of the Gilbert unions was introduced. Subsequent modifications had taken place, but still, although a direct repeal had been avoided, yet, looking at the 15th clause of the bill, which placed the administration of relief under the control of the commissioners, and comparing it with the 52nd clause, which gave the commissioners the power

> "By such rules, orders, and regulations, as they thought fit, to declare to what extent, and for what period, the relief to be given to able-bodied persons in any particular parish or union may be administered out of the workhouse of such parish or union."

(These were the words of the clause)—looking at, and comparing those two clauses, and then applying to them the interpretation clause, which defined what a union was, he must say, that if it had not been for the authority of the late Attorney-general, now Lord Campbell, he should certainly have thought that the bill, as it now stood, did go very far to repeal the unions formed under Gilbert's Act. The opinion of Lord Campbell, however, on the subject, rendered it quite clear, that the repeal was incomplete, and that it was still open to Parliament to discuss the question whether such repeal should take place or not. Now, the hon. Gentlemen opposite had referred to the great number of persons affected by these unions, and had stated that there were no less than 3,000,000 people living under Gilbert's Act, and other local acts of the same character. Conjointly this was quite true, but he would beg the House to look at the question in another point of view. Since the Poor-law Amendment Act had passed no less than fifty-five Gilbert unions had voluntarily agreed to dissolve themselves, and come under the operation of the general Poor-law. Those fifty-five unions contained 715 parishes, and it was a remarkable circumstance, that at the time when they came under the operation of the new system they owed a debt of 39,000*l*., of which they had since paid off nearly 20,000*l*., or not less than one-half. When the hon. Gentleman, too, had spoken of these 3,000,000 of people, he should have borne in mind that the number of persons living under the operation of the Gilbert unions was by no means so great. As he had already said, fifty-five Gilbert unions had joined the general system. There now remained only twelve Gilbert unions, distributed in nine counties out of the fifty-two in England and Wales. Those twelve unions contained 349 parishes, and 156,000 persons.

Captain *Pechell* had referred to the number of persons living in unions under Gilbert's Act and local acts conjointly.

Sir *J. Graham* was now discriminating between the Gilbert unions and the unions formed under local acts; and under the former, as he before said, there were only 156,000 persons. He had spoken of the large amount by which the fifty-five unions had reduced their debt; now let him look to the other side. The twelve unions which remained owed, when the Poor-law Amendment Act passed, a debt of 4,457*l*. They had since paid off 1,400*l*., that was to say, that whilst those unions which had dissolved themselves had paid off one-half the amount they owed, the twelve which remained had only paid off one-fifth. So much for the management under these unions. But the hon. Gentlemen opposite had very contemptuously referred to the geographical difficulties; had spoken of the way in which country gentlemen were gulled; and had held up the commissioners' map to the ridicule of the House. Now, he might, perhaps, be allowed to tell the hon. Member, that in consequence of the geographical difficulties thus lightly adverted to, there were parishes in England containing 250,000 inhabitants, who were entirely cut off from all Poor-law management whatever. He, perhaps, could not illustrate the inconveniences of the existing system better than by referring to the fact that those parishes were unable to take advantage of the provisions of that admirable law which passed the House last year—the Vaccination Act. He believed that that act had given every satisfaction, and he could state on the best authority that its provisions had worked most admirably, especially in the metropolitan districts. He was enabled to state, on the authority of Mr. Farr, whose name was known in connexion with the registration of births, deaths, and marriages, that in the metropolis, during the first quarter of the last year, 608 children died of the small-pox. In the next quarter, ending the 3rd of July, which was subsequent to the passing of the act, 252 only had died. Up to October, the third quarter, 128 died; and in the quarter ending the 1st of January, 1842, the number was further reduced to sixty-eight. That was to say, that whilst within the quarter previous to the passing of the act 605 children had died of small-pox, in the third quarter, after the bill came into operation, the number had been reduced to sixty-eight. Now, he only wished the House to look at the hardship upon those who were excluded from the operation of the act—who were unable to take advantage of the provisions of this most salutary law. The hon. Member for Brighton praised the exemplary management under the system in operation in the town he represented. He, however, had seen in the public papers reports of certain acts done, and statements of the way in which the poor-rates of the town were expended, which, if he was required to state a case of abuse, he should certainly consider very fair matter for illustration and comment. He would take leave to ask the Hon. Member if he had never heard of the appropriation of a part of the poor-rates to the hire of a court dress for some parish functionary who desired to be particularly gay in honour of the birth of the Princess Royal? [Captain *Pechell:* That money was spent out of the constables' rate.] Had the Hon. Member never heard of a summer-house being built in the workhouse garden out of the public money? Had he never heard of a costly stock of wines laid in, of a large bill for cigars, all paid for out of the poor-rate of the town? There were statements to this effect afloat, and they certainly did not show very good management. But he would not trespass on the time of the House any further. At the proper period, when her Majesty's Government brought forward their proposition, whatever it might be, with regard to the general question, or with regard to the unions under Gilbert's Act or any other local acts,' then would be the time for him to enter into a discussion of these subjects; and he could assure the House that he should not shrink from the task. As far as regarded the question now under consideration, he did not consider that this was a proper time to discuss it, and he would, therefore, at once say, that he should give it his decided opposition.

Captain *Pechell* rose to explain. When he stated the number of persons living under the operation of Gilbert's Act and local acts, he had spoken of those acts conjointly, and he believed he had correctly represented the numbers. With regard to the abuses said to exist at Brighton, he could tell the right hon. Baronet that the vestry had put down those abuses, all of which, he believed, took place some time ago. Whenever such abuses were discovered in Brighton, the voice of the people was sure to correct them, and they did not require any interference on the part of commissioners to put an end to such practices.

Sir *J. Graham* said, the incident of the court dress of which he had spoken occurred not more than twelve months since.

Mr. *Wakley* was quite ready to admit that this was not the proper time to enter into a general discussion as to the Poor-law, nor as to the merits or demerits of the administration of relief, either under Gilbert's or local acts of Parliament. The simple question they had to discuss was, whether or not the Gilbert unions were to maintain their integrity if it was the disposition of the parishioners to retain them. The right hon. Baronet opposite had gone back to the origin of the Poor-law Amendment Act, and had made a statement as to the intentions of the Government at the time of its passing, with regard to which he (Mr. Wakley) would only say that he was exceedingly glad the Government had not had the opportunity of carrying their views into effect, and that he only wished more disagreeable points had been struck out of that hideous measure. But in his opinion it was not by any means necessary to go so far back as to Lord Althorp's declaration in 1834. They had something more recent to refer to. In the course of last Session there had been a discussion on this subject. Since that time there had been a change of administration, and he did not now see many hon. and right hon. Gentlemen in their places who had taken part in the previous discussions. Probably it was not convenient for them to attend. Certainly he was not sorry to see that they were scared away by their own measures, and he hoped many of the public would be scared by them too. But, as he had said before, this question was discussed last year. It was discussed on the 3rd clause of the bill coming under consideration. He did not now see the learned Attorney-general in his place, but he should take the liberty, even in his absence, to refer to what he had then said. He would also briefly quote what had been said by the right hon. Baronet at the head of the Government as well as a few observations which fell from the noble Lord the Member for London. First, as to the opinions of the Attorney-general—and here he might observe, that he was sure that hon. Gentleman had not changed his opinions with his change of position in that House. The integrity of his principles were too well known to give rise to any supposition that with an alteration of circumstances there would be any alteration in his opinions. The learned Attorney-general had said,

> "There was no injustice in saying, that a board of guardians should not be imposed where one already existed; but these boards were superseded by uniting the several parishes into unions. What was done with reference to the Reform Bill and the Municipal Bill? In the former, a clause was inserted, repealing every charter, statute, and act standing in the way of that bill. A clause to the same effect was introduced into the Municipal Bill. Was this course adopted in the Poor-law Bill? No, and he was not surprised at it. When the Poor-law Amendment Bill was passed, it was the general understanding in the House, that all local acts should not be interfered with, but should remain in due force. He had endeavoured to obtain some precise and exact information with reference to that declaration, and had searched in the usual channels of information. He had not been able to find any distinct statement which fell from Lord Althorp, but certain expressions that fell from the noble Lord during the discussion, justified the House in believing that parishes then under the control of local acts of Parliament, and local boards of guardians, were not to be brought under the operation of the Poor-law Bill, and were not to be interfered with by the Poor-law Commissioners. It was worthy of remark, that both the Reform Bill and Municipal Bill repealed all those acts which stood in the way of the operation of those measures. It was never intended by Parliament, that between 300 and 400 acts of the Legislature should exist by the sufferance and caprice of the Poor-law Commissioners. It was ridiculous to suppose, that such an idea was ever contemplated. If it were the intention of the noble Lord to make the House believe that the Poor-law Commissioners did not intend to repeal the local acts under which so many parishes were now governed, it was his duty to say so, more explicitly, and in less ambiguous language than that contained in the third clause of the bill."

That was the language of the present Attorney-general, and what language, he would ask, could be stronger? The learned Attorney-general was followed by the right hon. Baronet, the Member for Tamworth. He would not read the whole of the right hon. Baronet's address, though it was, in every sense, a most excellent one. Here, however, was the concluding sentence of his speech:—

> "He had always thought, that where there were immense masses of population well governed under local acts, it would not be found expedient to place them under the control of the commissioners."

The noble Lord, the Member for Liverpool, had used a similar expression. He said, that—

> "He hoped the large parishes, not already under the Poor-law Commissioners, would be allowed to remain as they were."

But what was said besides this? He would now call the attention of the right hon. Baronet (Sir J. Graham) to what had been said by the noble Lord, the Member for London. The noble Lord had said,—

> "The purport of the clause was, that so far as that act was concerned, no further interference should occur than that which had taken place under the general act. That was what the clause professed and did. He could not see any ambiguity in the clause. It stated most explicitly, that the present act should not interfere with any local acts that might exist."

At that time, the House would recollect the Whigs meant to leave Gilbert's and the local acts untouched. Since then, there had been a change of Ministry—a change which had been, to a great extent, occasioned by what he could not forbear styling the very objectionable conduct of the party in office, with respect to this very measure. He (Mr. Wakley) had expected and hoped, that in consequence of that change in the Administration, there would have been a change for the better with regard to this measure. He had hoped, that its asperities would have been softened, that its rigours would have been alleviated, that most, if not all, of its objectionable characteristics would have been removed. Well, there had been a change, and he had assisted to produce it. [*Cries of "Oh, oh!"*] Oh, but he did, and he candidly owned that he had not been sorry to see the change; but he now began to think that he had not acted very wisely. If the Government went on in this way, he should be obliged to betake himself to the bed of repentance. He must say, that their proceeding to-night was lamentable. He could not but see that those unions were sacrificed. Did the right hon. Baronet believe, that public feeling had so far abated, that he was entitled to act as he was acting? Did he think, that the Poor-law Amendment Act would give greater satisfaction under a Tory than under a Whig Administration? He had hoped for changes, and he should have rejoiced to see them. But to return to the subject he was debating. He did say, that the understanding last Session, with regard to these Gilbert unions was, that they should not be touched—that the Commissioners' power should not be extended to them—that they should not be broken up, but should remain intact as long as the parishioners desired. Was not the present proceeding, then, most unfortunate in reference to public feeling? He had not seen the bill, and the right hon. Baronet opposite took precious good care that he should not see it. He did not approve of this secret policy. It was not a fair proceeding either towards the House or the country. They had been called on to vote a supply to the Crown. Now, it was the ancient policy of Parliament not to give a Government money, if they did not remedy abuses. The Poor-law Commission would expire in July next. What time, then, would the House have for giving the subject that consideration it deserved, when they were kept in total ignorance of the intentions of the Government? The right hon. Baronet had had the bill for a considerable time in preparation; the Government had had many months for taking a review of public affairs; and, after all that had taken place with respect to the Poor-law Bill, he (Mr. Wakley) had expected that this measure would have been the first proposed. Instead of this being the case, they were now in March, and they were ignorant of any one proposition or improvement that the new bill was to contain. He felt sure, that the right hon. Baronet, from what he knew of the public feeling in reference to local acts, would, if he meant to maintain them in their present force, be too gratified to make a declaration to that effect. The parishes of Marylebone; containing a population of 160,000, of Islington and St. Luke, containing a population of 60,000, and St. James and a variety of other parishes throughout the country, were all interested in this question, and he called on hon. Gentlemen opposite, who had assisted so nobly in fighting the battle of the people in reference to the Poor-law, to maintain their principles on the present occasion, to redeem their pledges, and uphold the high and dignified part which they pursued in the last Session of Parliament. He regretted not to see that energetic Gentleman, the hon. Member for Knaresborough, in his place. This was the time he should be there. This was the time they wanted such men to give their aid to the popular cause. It was of no use for them to make splendid speeches, if they were not ready to fight the battle when the contest took place. Before he sat down he entreated the right hon. Baronet, and, considering the state of public feeling with reference to local acts, perhaps the right hon. Baronet would not think he was acting unfairly in doing so—he entreated him, if it were his intention not in any way to infringe upon the powers of those acts, or to give the commissioners any further power over them, that he would give up a little portion of his secret, and state so to the House. This would give him most heartfelt satisfaction, because he knew, that at the existing moment the greatest excitement and discontent prevailed in reference to the present state of this question.

Mr. *Colville* had heard the speech of the right hon. Baronet, the Home Secretary, and disagreed from him on two points. The right hon. Baronet said the present was not the time to discuss the merits of Gilbert unions. They came now before the House to seek inquiry; they did not ask for it through the hands of the Poor-law commissioners, but through a committee of that House. It would seem, from what had been said, that the paupers of Brighton were better fed under the Gilbert unions than under the New Poor-law Act. Feeling that the present was not the time to discuss this important subject, he would not trouble the House with many observations; but he could not avoid expressing his satisfaction at the able and gallant manner in which the hon. Member for Finsbury had defended the rights of a large portion of the people of this country. He was also extremely glad that the hon. Member had brought this subject before the House, for he confessed that the right hon. Baronet (Sir J. Graham) had not treated those who were interested in the preservation of Gilbert unions and other local acts with that courtesy which they deserved. This was the fourth time the hon. Baronet had been applied to, in order to explain his intentions with respect to Gilbert unions; and though it might be convenient in the Government to hold a dignified silence, that dignified silence was death to them. Those who were interested in the preservation of the Gilbert unions were quiet and unassuming. They did not wish to agitate the question, nor were they disposed to cry out before they were hurt; but should it be the policy of the Government to abolish those corporations, they were placed under the disadvantage of not knowing what the intentions of Government were. He feared the Government intended to keep them in perfect innocence of their intentions, and then fall upon them before they had time to resist. This was not a manly course. Moreover it was not a course which he expected to see pursued by a Conservative Government. He had heard the right hon. Baronet (Sir J. Graham) say, that previous inquiry was the best ground for legislation, and he therefore trusted, that if the right hon. Baronet refused this inquiry, he would also refuse to legislate on the subject, and leave the Gilbert unions alone. He trusted the hon. Member would press his motion to a division, and he, for one, would support him. He only wished the hon. Member had comprehended in his motion an inquiry into those Gilbert unions which had voluntarily dissolved, and he had no doubt that some secrets would come out that would astonish hon. Members. If it was the intention of the right hon. Baronet to break up the Gilbert unions, he only hoped, in the name of common justice, they would not be condemned before they were tried.

Mr. *Redhead Yorke* said, that if the right hon. Baronet had observed, that previous inquiry was necessary for legislation, he had also used the following remarkable and inauspicious words,—namely, that he would decline to give any explanation of his measure, to prevent adverse discussion. He thought, that the debate of that night, and particularly the speech of the hon. Member for Finsbury, could not be without advantage to the country; and the sincerity of speeches, uttered under adverse circumstances, would now be tested, when the parties who delivered them were, so to speak, in a happier condition. The point under discussion was, whether the House would allow a select committee to be appointed to inquire into the operation of the Gilbert unions. He could perfectly understand, that, as the right hon. Baronet had stated, there was a manifest advantage in an uniformity of system for the purpose of sound legislation; and if he could have the satisfaction of hearing that the measure intended to be proposed did comprehend within its principles a due consideration for that large class of society who were poor from the force and cruelty of circumstances, and not from any fault of their own, then he should willingly withdraw from any discussion, and patiently wait for the introduction of the Government measure; but as from the right hon. Baronet's silence he had nothing to hope, and everything to fear, he should content himself with saying, that if the hon. Member pressed his motion to a division, he should support it.

Mr. *Liddell* expressed his surprise that the hon. Member for South Derbyshire, who desired that the Gilbert unions might not be condemned before they were tried, should condemn without hearing the Government. He entertained better hopes of the Government measure than the hon. Member for South Derbyshire, and, relying on those hopes, and recollecting what the right hon. Baronet (Sir J. Graham) had said, respecting the inconvenience of a long protracted inquiry into the Gilbert unions, he might, admitting that inconvenience, very easily abstain from the vote he intended to give in favour of the motion before the House. He felt strongly that the object of the present motion was one of inquiry, but it was one of principle—viz., whether or not those who had the management of the unions, should have an influential voice in the arrangements connected with them, or whether that authority should be delegated to others. He had seen much of the operation of the existing law; and he had seen instances where the greatest inconvenience, vexation, and grievance were inflicted, and he had himself, on one occasion, been most unsuccessful in endeavouring to obtain relief in a case which he had forwarded to the New Poor-law Commissioners. Though he was not prepared altogether to condemn the existing law, he had pledged himself not to relax in his efforts to obtain such mitigations of the severer clauses, and such modifications of the power of the commissioners as might render its operation more acceptable to the feelings of the community at large, and he was resolved, as long as he had a seat in that House, that he never would refuse a vote similar to that which he was about to give. The country, he was sure, would not misunderstand his vote, for the question was well comprehended. Although the speech he had just heard from the right hon. Baronet had given him considerable pain, yet he was willing to trust in the intentions of her Majesty's Ministers on this subject, and he hoped the country would not be disappointed. He must, however, vote in favour of the motion before the House.

Mr. *Hardy* said, hon. Gentlemen opposed to the New Poor-law had been appealed to by the hon. Gentleman opposite, and he was proud to say, that he still retained the same aversion to this measure, which he had always hitherto avowed. He admitted, that in some of the rural districts in the South of England the old law was not well administered, yet he was always of opinion that those evils might be remedied, without a total subversion of the then existing law. In a conversation which he had had at the period when the new law was introduced, he had told this to Lord Althorp; and he observed to his Lordship, that in the contemplated measure the relief of the ratepayers was too exclusively attended to; but no measure of the House, he said, would satisfy the country which did not make humane provisions for the relief of the indigent poor. In the South of England, as he had acknowledged, evils existed in the administration of the old law, but in the north no complaints were made. In those parts the persons who sought relief had it administered to them in their own townships; the distance between them and the dispensors of charity was small; and what was given was given in a satisfactory way, and no one complained of the regulations observed. The hon. Member for Finsbury had said, that many Members of that House owed their seats to the opposition they had professed to the New Poor-law. He did not deny this —nay, he felt he should be unworthy a seat there did he hesitate to acknowledge such to be the fact. He had not used opposition to the New Poor-law as a means of gaining popular support, but he had ever consistently held opinions adverse to the measure, and he had received his reward by a return to that House, for which he was grateful, and he felt convinced it was an honour he never should have received, had it not been for his opposition to this measure. It would, he thought, have given great satisfaction to the minds of many in that House if the right hon. Baronet had given some intimation of the course he intended to pursue with respect to this measure. He entertained a strong impression that in 1834, the bill was laid on the Table of that House before Easter, in order to obtain the opinion of the magistracy and others likely to feel interested in the measure during that interval. In the present instance, he thought it would have been well had this plan been adopted, as by such a course the country would have had an opportunity of expressing either their satisfaction or dissatisfaction with the plan which the Government were about to introduce. The question as to how out-door relief was to be administered was most important, and any Poor-law which failed in this respect would never give satisfaction. In order that the mode of administering out-door relief should be generally approved, it was necessary that the poor should be placed under local authority. They must receive relief from those to whom they were known. A poor lame creature, must not be obliged to hobble to a distance to receive relief which he ought to have nigh at hand. The right hon. Baronet (Sir J. Graham) had spoken of many of the Gilbert unions having been dissolved, but he thought that if further inquiries were instituted, he would find that the unions thus dissolved had laboured under peculiar disadvantages; that they were separated at wide distances from one another; and on these accounts had been found inefficient. He had presented two petitions against this bill—one from Keighley, in Yorkshire, and the other from Bradford, signed by twenty-five out of twenty-eight of the guardians, in which the petitioners expressed themselves sensible of the evils of the present measure, and strongly urged on the Legislature the necessity of a change. He wished the right hon. Baronet had thought proper to disclose the alterations he proposed, and he felt sure that very extensive alterations would give satisfaction to many in the country, who had never regretted the way in which the rates were formerly applied.

Mr. *S. Wortley* said, he must express his almost entire concurrence in the opinions of the hon. Member for Derbyshire (Mr. Colville), who had recently spoken. Still he could not join in those severe censures which had been cast upon the Government, for having declined to state the details of their intended measure. He very much doubted indeed the policy of having many measures on the Table at the same time. Those, however, who felt strongly against the Poor-law had surely a fair right to ask, that they should state their case before legislation was determined on. The presumption was, from the absence of any declaration to the contrary, that the Government meant to propose the extension of the law. Now, all that was asked, was the opportunity of bringing forward evidence of importance to a due understanding of the case. What was the argument against it? Merely that the local acts or Gilbert unions were defective in their working. He thought the local communities decidedly the best judges of this. He was strongly against a coercive extension of the law, in opposition to the wishes and feelings of parishes; and, as he believed the carrying of this motion could not at all prejudice the Government, he should vote in its favour.

Sir *R. Peel* declared his conviction that it would soon be necessary for the House distinctly to decide whether they were inclined to maintain the principles of the Poor-law or to abandon them. And the sooner this question was decided the better would it be for the public interests; for there could be nothing so prejudicial as to leave authorities exercising an unpopular power paralyzed by the prevalence of an impression throughout the country that Parliament were about to abandon the measure. And he must say he was very much surprised to find that of those who had composed the late Government, who had brought forward this law, and rested part of their fame on their support of it as a measure essential to the welfare of the country—that they should none of them, with one solitary exception (Mr. Tufnell), be present on the discussion of a most material motion affecting the integrity of the law itself. For himself, it was unnecessary to say that he was taking the course which on this question he had always pursued. He had never sought popularity by opposing the Poor-law. He had given his assent to the measure on general principles; he was perfectly prepared to listen to modifications which might diminish its severities, or remove just causes of complaint against its operation; but he had always felt, looking to the way in which the old law had been administered, that not merely for the promotion of economy, but for the general interests of the poor themselves, it was desirable that a material alteration should be established. Of this he was perfectly satisfied, that the measure could not be well administered with a general impression pervading the country of a disposition in the Legislature to disturb or to destroy the law. If the law were to be abandoned, let it be given up in a direct manner. To talk of a motion for inquiry as inconvenient to the Government, why it was directly the reverse. He should certainly have thought that there was ample information before the House on the subject of the Poor-law, without instituting a fresh parliamentary inquiry about the twelve Gilbert unions, which were scattered all over the country, obstructing the administration of the law. Surely the House could decide upon the subject with the information it at present possessed. His right hon. Friend intended to submit propositions on the subject of local acts (necessarily affecting also Gilbert acts) after Easter. Was not the House in a condition to decide whether it were fitting that twelve Poor-law jurisdictions should exist in the country, at variance with the general system? For what could the inquiry be instituted? To allow the guardians of unions to relieve themselves from charges? That was perfectly indefinite and unlimited. Admit one single union on any ground of charge, and how could all the rest be excluded? Every union would claim, and justly, this right of being heard, objecting naturally to a decision upon evidence respecting other unions. Where could this end? If the committee were appointed, then would it be said—"You must not go on with your bill pending the inquiry." The month of June arriving, numbers of Members, as was generally the case at the approach of hot weather, would be anxious to leave town, and the House would eventually acquiesce in a proposal for an annual Poor-law. His hon. Friend said that it was necessary to abandon the system of refusing outdoor relief, and he was no doubt prepared to vote on that subject at the present moment without inquiry. He was prepared to move an amendment, to the effect that the north should not be subjected to that system. But when a law was to be drawn up that definition would be found to be of too vague a character. [An hon. *Member*: "The manufacturing districts."] Not the north, but the manufacturing districts. Then that included the south, for in the south there were woollen manufactories; so that it would be necessary to amend the amendment of his hon. Friend, and not exclude the south, but make it refer to the manufacturing districts. Now, in common parlance, that was intelligible; but when they came to frame the law, it would, of course, be necessary to define what districts in the country should come under its operation; what districts should be subject to one part of the law, and what to the other; and about the 1st of July his hon. Friend might move for a committee, for the purpose of ascertaining what constituted the manufacturing districts of the country. The consequence of that inquiry would be the passing of temporary acts, whereby they would again not only be relieving the Government by committees of that House from their responsibility as a Government upon the subject, but be leaving the country in a state of uncertainty as to what the intentions of the House and the Legislature really were. It was asked why the Government did not bring forward their measure at once. He would ask in return, what encouragement had the Government met with to bring forward other measures than those already before the House, and which he attended night after night to discuss? It had been said the Government should not lose a day in letting the country know what they meant to do respecting the Corn-laws and the finances of the country. He fully admitted the reasonableness of that observation, and it had been his desire to state in one speech what the intentions of the Government were upon those subjects; but he was compelled to wait until a committee of Ways and Means could be had. They had already spent sixteen nights in discussion upon the Corn-laws, and he had not been able to get further than the 9th clause of the bill yet. He did not object to the discussion of the measure, or deny the importance of discussing it; and, granting that the discussion had not been necessary or fruitless, of what advantage, let him ask, would it have been to have brought forward a bill upon the subject of the Poor-laws, seeing that after sixteen nights' discussion they had only got through nine clauses? In his financial measures no progress at all had been made. The whole attention of the country was naturally directed to these subjects, and he could not see what possible advantage was to be gained by laying before the House for several weeks before it could be duly considered or proceeded with a bill upon the subject of the Poor-laws. It was much the fashion in popular assemblies to call peremptorily for several measures, without reference to the position and circumstances of those who were to bring them forward. His principle, and he confessed, his wish was to take one measure, and go through with it. It really seemed as if this multiplicity of bills was to be urged for the purpose of preventing due attention to be directed to one. The consequence of introducing several measures at a time was, that they spent their time discussing them until the Session was so far advanced, that they could do nothing—a course by which, in his opinion, the character of the House of Commons for practical legislation was greatly impaired. Let them take one of these several great and important measures at a time, and while the discussion of it was yet fresh in their recollection, let them go through with it. Let them do that in preference to demanding for discussion eight or ten measures to which they could not possibly pay sufficient attention. From the opinion he had already expressed on the subject of the Poor-laws he had never varied. He gave his support, founded on that opinion, to an unpopular measure which was brought forward by the late Government. Previous to the late elections, he again expressed himself distinctly upon the subject, stating that he still retained the opinion he was known to profess upon the general principle of the law. It was, therefore, impossible for any man to say that he had not always and consistently maintained the same opinion upon this subject. He thought too well of the House to believe, that it was not now competent to declare its opinion also—to declare whether twelve districts in the country might or might not be governed upon a different system from the rest, or whether by adopting the general system they would not very much facilitate the law in other places. The question was, would they adopt the Gilbert system as a general boon, or the Poor-law as a general boon, and that question the House was as competent to decide that night as they would be at the end of the Session. He, therefore, deprecated this committee as the worst course of poceeding that could possibly be pursued. His right hon. Friend would at the earliest period that was consistent with the proper consideration of the subject bring forward the measure of the Government with those modifications which he thought calculated to remedy any just ground of complaint, maintaining, at the same time, the general principle of the bill. If the House of Commons thought, that it should be altered they were in a condition to say so; but what he contended was, that the worst course which it was possible to pursue was, that of paralyzing the efforts of the Government and the Legislature by protracted inquiry—a course by which the unpopular duty to be performed would be rendered almost impossible of execution. Let them, if they thought the measure unjust, condemn it, or let them support it if they thought it deserved support, but let them not leave all in doubt as to their intentions, by inquiries which he thought could not be satisfactorily concluded within such a period as would enable them to legislate in the manner which the Government proposed, and were convinced was the most desirable.

Mr. *T. Duncombe* in reply, said, he had never considered this as a party question. He had taken the same view of it when the Whigs were in office, and it now gave him infinite pleasure to perceive that it would not be treated as a party question by the House, and that hon. Gentlemen opposite who had cried "Down with the bastiles," and proclaimed themselves the friends of the poor at the hustings, were prepared to avail themselves of the opportunity now afforded them of redeeming the pledges they made upon that occasion. The right hon. Baronet, the Secretary of State for the Home Department he knew very well would say, "This is premature; wait until you see my bill;" being a beautiful illustration of locking the stable door after the horse had been stolen. They were to wait until the Poor-law Commissioners locked up the chest, after they had stolen the charter. He was only surprised that the right hon. Baronet did not state, for all his arguments went that way, his intention of altering those Gilbert corporations which were to be under a different law. He asserted, that on the faith of an act of Parliament, those Gilbert corporations had a right to insist on being under a different law until they could get the consent of two-thirds of the guardian to an alteration. They had no right to interfere with the privileges which those corporations possessed. They avoided this position at the time the New Poor-law Bill was brought in, and now what they could not do by reason they wished to do by force, and thus make away with the charter of those corporations. He should like an inquiry to be made into the grounds upon which those individuals had been deluded and entrapped who had already yielded, for he was authorized to state by those unions that had been entrapped, that they were now fully conscious of their mistake. He hoped that the House would not allow the clause incorporating Gilbert unions to pass without giving the parties interested a fair hearing.

The House divided—Ayes 41; Noes 108:—Majority 67.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Beckett, W.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Blewitt, R. J.
Bowring, Dr.
Burroughes, H. N.
Colvile, C. R.
Crawford, W. S.
Duncan, G.
Gill, T.
Gordon, Lord F.
Grimsditch, T.
Hall, Sir B.
Hanmer, Sir J.
Hardy, J.
Harford, S.
Henley, J. W.
Holdsworth, J.
Howard, H. H.
Johnson, General
Leader, J. T.
Liddell, hon. H. T.
Morris, D.
Mundy, E. M.
Napier, Sir C.
O'Connell, M. J.
Plumridge, Capt.
Ricardo, J. L.
Rolleston, Col.
Scholefield, J.
Sibthorp, Col.
Tufnell, H.
Vyvyan, Sir R. R.
Wakley, T.
Williams, W.

Wood, B
Wortley, hon. J. S.
Yorke. H. R.

TELLERS.
Duncombe, T.
Pechell, Capt.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Acton, Col.
Adderley, C. B.
Allix, J. P.
Astell, W.
Bailey, J.
Baillie, H. J.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Berkeley, hon. C.
Boldero, H. G.
Botfield, B.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Bruce, C. L. C.
Busfeild, W.
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chelsea, Visct.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Douglas, Sir C. E.
Dowdeswell, W.
Ebrington, Visct.
Egerton, Sir P.
Ellice, E.
Emlyn, Visct.
Escott, B.
Evans, W.
Fitzroy, Capt.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Hale, R. B.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Johnson, W. G.
Jolliffe, Sir W. G. H.
Lawson, A.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
MacGeachy, F. A.
Mainwaring, T.
Marsham, Visct.
Martin, J.
Martin, C. W.
Masterman, J.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mostyn, hn. E. M. L.
Murray, C. R. S.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Pringle, A.
Pusey, P.
Rae, rt. hn. Sir W.
Rashleigh, W.
Reade, W. M.
Rose, rt. hon. Sir G.
Rushbrooke, Col.
Russell, C.
Sandon, Visct.
Scott, hon. F.
Somerset, Lord G.
Stuart, H.
Strutt, E.
Sutton, hon. H. M
Tancred H. W.
Tennent, J. E.
Thompson, Mr. Ald.
Tollemache, J.
Waddington, H. S.
Wawn, J. T.
Winnington, Sir T. E.
Wood, G. W.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

ANTI-CORN-LAW CONFERENCE.] Dr. *Bowring* moved for a report made to the Home Office, by a committee appointed by the conference lately held at the Crown and Anchor, on the subject of manufacturing distress.

Sir *James Graham* said, that he felt bound to refuse his consent to the motion, on account of the dangerous precedent which it would establish. He had received from four gentlemen, whose names were perfectly unknown to him, a letter stating that they were part of a conference held lately at the Crown and Anchor, and enclosing a very voluminous document, embodying information on the subject of the distress in the manufacturing districts, not collected by themselves, but communicated to them by others. That document was quite open to the hon. Member to make any use of he pleased, in any speech which he might make on the Corn-laws; but as he considered the document of a strictly private nature, and possessing nothing of an official character, he thought that he should be establishing a most dangerous precedent if he were to consent to the present motion, which seemed to him a mere attempt to print a voluminous document at the public expense.

Motion negatived.

EXPORT OF COALS.] Mr. *Matthias Attwood* moved that an humble address be presented to her Majesty, praying that her Majesty will be graciously pleased to direct her Majesty's consuls, situated in those ports, to which British coals are exported, to report what quantities of such coals have been received in those ports during the year 1841, and to state, as far as they are enabled to do so, the purposes to which such coals have been applied. The right hon. Baronet had rested that part of his financial scheme which related to the exportation of coals, upon the assertion that the British coals exported were applied to purposes which interfered with British manufactures. He thought that the return for which he moved, would show that there was no ground for that assertion; and it should be recollected that the coals itself was an article of British manufacture—at least, it employed British labour and capital.

Sir *R. Peel* said, that he did not object to the return; but in consenting to it, it must not be supposed that he considered that information at all essential to the consideration of his proposal, or that he bound himself to suspend legislation on the subject until the arrival of that information which the hon. Member required from distant parts.

Mr *Matthias Attwood* did not suppose that the right hon. Baronet would bind himself to wait until the return could be made; but he could not help considering that information was absolutely essential to the due consideration of this matter, inasmuch as the right hon. Baronet had rested his case entirely upon the assertion to which he had already referred.

Motion agreed to.

CALEDONIAN CANAL.] Sir *G. Clerk* moved the appointment of a committee to examine the report of Sir E. Parry on the Caledonian Canal, and to report their observations to the House.

Mr. *E. Ellice* did not mean to oppose the motion, but he certainly expected to have heard some grounds stated why the Government had withheld the grant recommended by two committees, and for which object the late Government had obtained a partial grant.

Sir *G. Clerk* said, he would move that the reports of the committees of 1839 and 1840, be referred to the committee to be named.

Motion agreed to.

Adjourned.

HOUSE OF LORDS,

Friday, March 18, 1842.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Consolidated Fund. $2^{a.}$ Newgate Gaol (Dublin); West India Clergy. *Private.*—$1^{a.}$ Cottenham Inclosure; Imperial Insurance. $2^{a.}$ Midland Counties Railway; Manchester Infirmary; Brandling Junction.

PETITIONS PRESENTED. By the Earl of Mountcashel, from Millers in King's County, against the Importation of Foreign Flour.—From Millers of Guildford, against the Proposed Scale of Duty on the Importation of Foreign Flour.—From Paisley, complaining of Distress, and praying for facilities for Emigration.—By a noble Lord, from Garryduff, for the Validity of Presbyterian and Dissenters Marriages (Ireland).—From Galashiels, for Universal Suffrage.

OATHS.] Lord *Campbell* presented a petition from an individual, a Roman Catholic, who had a conscientious objection to taking an oath. The petitioner had been a merchant, and had become a bankrupt, but refused, on account of his scruples on the subject of oaths, to swear to his balance sheet. He offered to make a solemn affirmation, but being neither Quaker, Moravian, nor Separatist, that was insufficient, and he was sent to gaol, where he would be obliged to remain on the gaol allowance of 6*d.* a-day for the remainder of his life, unless Parliament passed a law of which he could take advantage. He prayed, therefore, that a law might be passed, giving individuals who had conscientious objections to the taking of oaths, the same exemptions which are enjoyed by Quakers, Moravians, and Separatists. The noble and learned Lord supported the prayer of the petition.

The Duke of *Wellington* said, that the foundation of all justice was truth, and the question was, how truth was to be ascertained. Before he could receive any application of this description, and before he should vote for the bill lately laid on their Lordships' Table, he would like to hear the opinion of some of those learned men who were at this moment engaged in the administration of the law, and who must have made up their minds as to the best means of ascertaining the truth. Hitherto it had been understood in this country that the best means was by administering oaths. He was aware that the Legislature had made certain exceptions. It might be very well to make these exceptions—and let further exceptions be made if they were expedient—but he did say, that they ought to have some solemn examination of the question, and some certainty that the new mode proposed was as good as the old one for ascertaining the truth, which, as he said, was the foundation of all justice.

Lord *Campbell* quite agreed in what had fallen from the noble Duke, and he hoped the question would be subjected to a strict examination.

DUTIES ON TIMBER.] The Earl of *Malmesbury* hoped their Lordships would excuse him, if, having been so recently introduced into their Lordships' House, he occupied their attention for a few moments, to put a question to his noble Friend, the President of the Board of Trade, respecting the timber duties proposed in the schedule of the revised tariff. As it now stood, the change would come into operation on the 5th of April, when Canada timber would come in at 1*s.* duty, and Baltic timber at a reduced duty. A considerable quantity of home-grown timber, particularly elm and fir, would be affected by the change. All sales took place in January and February, and he thought it hard that those who had made contracts three weeks ago should find themselves in a perfectly new position three weeks hence. Contracts were made on the faith of the old arrangements; and he wished to know whether regard would not be paid to the interests of the parties concerned by fixing a later day for the commencement of the new duties?

The Earl of *Ripon* was not aware, that his noble Friend intended to put a question to him respecting the details of the plan submitted to the other House. He could only say, that the 5th of April was put in the schedule under the expectation that more progress would have been made than had been found possible. As they were now so near that time, it would be impossible to give effect to the measure at so early a period, and a later time would be fixed for its coming into operation.—Adjourned.

HOUSE OF COMMONS,

Friday, March 18, 1842.

Minutes.] Bills. *Public.*—1°· Licensed Lunatic Asylums; Sheriffs Clerks (Scotland).

2°· Spirit Duties (Ireland).

Reported.—Parish Property; Colonial Passengers.

3°· Consolidated Fund.

Private.—1°· Great North of England (Clarence and Hartlepool Junction) Railway; Kingstown Mariners Church; Ross and Cromarty Court Houses; Saint Austell Market (No. 2); Forth and Clyde Navigation; Forth Marine Insurance; Argyll Roads; North American Colonial Association (Ireland); Bunsen's Naturalization.

2°· Gosport Pier; Sheffield, Ashton-under-Lyne, and Manchester Railway; Yate Inclosure; Toxteth Park Paving and Sewerage; Northern Coal Mining Company.

3°· and passed:—Cottenham Inclosure.

Petitions Presented. By Dr. Bowring, Mr. R. Currie, Mr. Protheroe, and Mr. Cobden, from Tottenham, Whitstable, Kent, St. Margaret's, St. George's, Westminster, Islington, Halifax, Maidstone, Dartford, Stockport, and other places, for a Repeal of the Corn-laws.—By Mr. Mackinnon, Mr. Wakley, Mr. R. Yorke, and Sir John Tyrell, from Lymington, Manchester, Hackney, Liverpool, Gisbro, and other places, against the Income-tax.—By Mr. S. O'Brien, Mr. Shaw, and Mr. Gregory, from Kilmalloch, Kilworth, and Athlone, against the National system of Education (Ireland).—By Sir W. Clay, from Starch-makers in the Tower Hamlets, against the Reduction of the Duty on Foreign Starch; and from the Directors of the Metropolitan Life Insurance Company, for a Lower Rate of Tax on Terminable Annuities than on Perpetual Annuities.—By Mr. Hardy, from Knaresborough, and Burslem, against any further Grant to Maynooth College.—By Lord George Bentinck, from Merchants engaged in the Baltic Trade, against the Reduction of the Duty on Foreign Timber.—By Sir John Easthope, from the Guardians of the Leicester Union, against parts of the Poor-law Amendment Act.—By Viscount Sandon, from Millers in the Eastern Division of Kent, against the Importation of Foreign Flour.—From Enniscorthy, against the Corn Importation Bill.—From Corn Inspectors for Essex, for Compensation.—By Mr. Macaulay, from Edinburgh, against the Low Rate of Duty levied on Confectionery Imported from the Channel Islands.—By Mr. T. Duncombe, from a Meeting of the Inhabitants of York, for the Release of Samuel Holberry.—By an hon. Member, from Gateshead, against any Duty on the Exportation of Coal.—By an hon. Member, from Newtown Ferry, and other places, for the Validity of Presbyterian Marriages (Ireland).—From St. Alban's, for Continuance of Protection to English Straw Plait.—From S. Bannister, for Inquiry respecting the Intercourse of British Colonists with the Coloured Natives.—From Liverpool, to prevent Brewer's Casks being Distrained for Rent.—From St. Mary's, Lambeth, for Redemption of Toll on Metropolitan Bridges.

Errors in the Tariff.] Mr. *Hawes* wished to ask a question of the Vice-President of the Board of Trade. He understood that the printed tariff contained many important typographical errors. Now much anxiety existed to have correct information upon the final intentions of Government. He wished to know how soon corrected schedules would be laid before the House.

Mr. *Gladstone* admitted that there did exist some errors and omissions, partly the fault of the copyist and partly that of the printer. Lists of errata and corrected copies would be prepared, printed, and delivered to Members before Easter.

Duties on Fish.] Captain *Pechell* asked a question with reference to the effect which the proposed reduction of duties on certain kinds of fish would have on the treaty concluded with France in 1839, as to the exclusive right of our fishermen to fish within three miles of our coasts. If whole fleets of French boats were allowed to bring fish to sell in the ports of the Thames, the endeavours of the noble Viscount the late Secretary for Foreign Affairs, to keep them from fishing within three miles of the British coast, would be quite thrown away.

Sir *Robert Peel* hoped that the hon. and gallant Member would be satisfied with an assurance that the matter would be so arranged that the treaty of 1839 would not be violated. The Government would give their best consideration to the subject.

Charitable Funds—The Income Tax.] Mr. *T. Duncombe* wished to put a question to the right hon. Baronet at the head of her Majesty's Government. The right hon. Baronet was aware that in the metropolis, and throughout the country, persons possessed funded or landed property, derived from bequests, on which 10 per cent. of duty had been already paid. His question was, whether income arising from such sources would be liable to the proposed Income-tax?

Sir *R Peel* said, that it was not intended that the incomes of charitable institutions, whether derived from rents of land, or from dividends payable by the public securities, should be subjected to the Income-tax, provided always such incomes were applied to strictly charitable purposes. He apprehended, however, that salaries of officers attached to charitable institutions would be subject to the proposed impost. But when the money was applied to *bonâ fide* charitable purposes, then no Income-tax would be exigible on revenue derived either from the funds or rents of land.

FISHERIES—(IRELAND). Mr. *Sheil* asked whether it were the intention of the Secretary for Ireland to bring in a bill for the regulation of the Irish fisheries, and if so, at what time the measure might be expected?

Lord *Eliot* was understood to state that such a bill would be introduced in the course of the Session.

THE INCOME TAX.] On the Order of the Day being called, for going into committee of Ways and Means,

Lord *J. Russell* begged to inquire whether the right hon. Baronet opposite would make any statement or give any explanation upon his financial measures, and particularly with reference to the mode in which he proposed to collect the Income-tax, previously to the Speaker leaving the Chair?

Sir *Robert Peel* replied, that it was his intention to make any statements he might think necessary, and answer any questions which might be put to him upon the subject, upon the House resolving itself into a committee of Ways and Means.

Lord *J. Russell* thought, that as the late statement of the right hon. Baronet comprehended the whole financial condition of the country, it would be the most convenient course for the House that he should make any explanation he might intend to offer, and which would not properly apply to a mere resolution, but to the general state of the question, before the Speaker should leave the Chair.

Sir *Robert Peel* said, that when the House should resolve itself into a committee of Ways and Means, he should take the earliest opportunity of replying to all inquiries made, and of making his own statement. He proposed to commence the debate by that step. He should then have an opportunity of speaking more than once, and be able to reply to objections.

On the motion that the Speaker do now leave the Chair,

Mr. *F. T. Baring* said, he would not make any observations upon the course which the right hon. Baronet opposite had thought proper to pursue, with respect to the manner in which this discussion was to be taken. He did not quarrel with the right hon. Baronet for reserving his explanations upon the Income-tax until the subject should come specifically before him in committee. But it did appear to him that, after the discussion they had heard, after having heard the statement of the right hon. Baronet on the financial condition of the country, and having received the proposition which on the part of the Government the right hon. Baronet had felt it to be his duty to propose—he thought that it would be by far the best course, adverting to the manner in which the debate of Friday had been conducted, that the right hon. Baronet should have taken the opportunity before the House went into committee of taking a general view of the question without reference to particular items of that question. The House would remember that on Friday, when the right hon. Baronet made his financial statement, no distinct expression of opinion was called for at that time on the part of Gentlemen on his side of the House. They could hardly be expected to enter at once into the details of such a question, and give any distinct opinion upon its merits. They therefore offered no opposition to the resolutions proposed by the right hon. Baronet as necessary for the public interest, reserving their objections until a future opportunity; and if he thought that these objections could be advantageously brought forward in committee, he should not for a moment have thought of demurring to the plan of proceeding proposed by the right hon. Baronet. He merely wished to bring the measure of the right hon. Baronet fully before the House and the country, and after such a discussion he would have no objection to the House at once going into committee, to decide upon its merits. It was in committee that they would have to decide upon each proposition of the bill, and in committee they should rather turn their attention to particular details than to the general question. He was not in the habit of using long pre-faces, which were generally the preludes of tedious speeches, but he felt himself called upon to request the indulgence of the House whilst he addressed himself to a subject with which it was to be presumed he ought to be in some little degree conversant. He should not, however, trespass much upon the House with statements of figures. The right hon. Baronet, in making his statement, stated the present deficiency to be somewhat about the same as that which he (Mr. Baring) had made it, whilst the present expenditure was stated to be somewhat under his own. He did not wonder, that the estimate for expenditure was somewhat less than his, for it should be remembered, that in making that estimate, it had been deemed advisable, under the existing circumstances of the country, to make the estimate a full one. There was one point to which the noble Lord, the Secretary for the Colonies, appeared to advert—namely, the estimate of the expenses as relating to China, to which he would wish to refer. With respect to that estimate, he could assure the House, that he found extreme difficulty in procuring the requisite information. Such information as he could procure, he had made a full and a fair use of, and if, after all his efforts, the estimate turned out to be wrong, he could only say, that he never pretended under such circumstances to frame his estimates with great exactness. He had drawn up his estimates from the surest sources which he had access to, and if they had proved erroneous, he had been misled by the information he had received. With respect to his estimate of the amount of income, he found it had fallen off more than he had calculated upon, and he could not, therefore, take to himself the compliments which the right hon. Baronet had paid him upon that score. The estimate had been made without reference to the large amount of sugar which had come in, as well as without reference to the harvest, and other circumstances which had been productive of great distress. It was not necessary for him to allude to the Customs and Excise, to show, that there had been a greater deficiency than he had calculated upon. Having said so much with respect to his own estimates, he would now address himself to the statement which had been made by the right hon. Baronet. He would not enter into details respecting the sources of income and expenditure, as the House was well aware, that for the circumstances in which the country was placed, there was not any likelihood of any diminution taking place in the latter. If, then, he took no exception to the expenditure, he was aware from long experience, that even the oldest officers engaged in that particular department, were unable to make out their estimates as to the probable income with any great degree of correctness, and as to any attempt made by parties not possessed of the information furnished to the Government, they could not even make an approach to correctness. Perhaps, he might state, before proceeding further, that at the period when Chancellors of Exchequers usually made their statements, the documents on which they were founded, and which were prepared in their own offices, generally found their way to the public. These papers, which were of a demi-official character, he should treat as authorities, and on those papers he should found the argument he was about to address to the House. He found, then, that the estimated expenditure by these documents for the year to the 5th of April, 1843, was 50,819,000*l.*; that the estimated income was 48,350,000*l.*, leaving, as was stated, a certain deficiency of 2,569,000*l.* Now, according to the system of calculation pursued when he (Mr. Baring) was Chancellor of the Exchequer, 48,350,000*l.* deducted from 50,819,000*l.* would have left as a deficiency not 2,569,000*l.*, but 2,469,000*l.* This mistake was not a mere accidental blunder, the whole subsequent calculations were founded upon it, and its effect was to add 100,000*l.* to the amount of estimated deficiency. Now, it afforded him a little consolation to be able in the present state of the finances to hand over to the right hon. Baronet a clear sum of 100,000*l.* When he was on the other side of the House he had been taunted with not being able to catch much when he went out fishing for a budget. He had been, however, more fortunate since he had changed his position, for while hon. Gentlemen opposite had been vainly thrashing the water, he had been lucky enough to hook out 100,000*l.*, which he now offered in the most perfect good humour to the right hon. Baronet, as the first fruits of his financial angling, on that side of the House. As they were on the subject of deficiencies, he must allude to a statement of the right hon. Baronet, with reference to his estimate for 1842, that the House might understand in what way the deficiency had occurred. In 1837-38 the deficiency amounted to 1,428,000*l.* On what did that deficiency arise? If any Gentleman remembered that year, he would remember that it was a year of unparalleled difficulty, the revenue fell off to a great extent, or rather, if he might use the expression, the revenue of the preceding year, 1836-37, had anticipated to a great extent that of 1837-38. On that occasion, the total ordinary revenue fell off by 2,500,000*l.* in the course of the year. The course pursued at that period by his noble Friend (Lord Monteagle) the then Chancellor of the Exchequer, and the course which, adverting to the circumstances of the year, to the state of the revenue, and to the elasticity of the usual sources of revenue, which had borne it harmless through greater difficulties, he considered to have been the wisest that could have been adopted—that course was, to make up for the deficiency of that year by the excess of income of the year which had preceded it. He thought that, at that time it would have been unadvisable to have imposed additional taxation upon the country. To a great extent, the anticipation of his noble Friend had been realised; for the deficiency which in the year 1837-38 amounted to 1,428, 000*l.*, was in the following year diminished by 1,000,000*l.*, leaving only a deficiency of 430,000*l.* And he was sure that, had not unexpected difficulties intervened—had not those disturbances broken out in Canada, which had occasioned so great an increase of our military establishment, and consequently, of the expenses of the country—he repeated, that he was sure that the next year would have seen an equalisation of the expenditure and income. In 1839-40 the deficiency amounted to 1,457,000*l.* He then came into office. Besides this certain deficiency, he had to calculate upon the estimated deficiency in the Post-office Department, and he felt it to be his duty to take steps for the purpose of bringing the revenue, if possible, up to the expenditure. The right hon. Baronet, in the course of his financial statement—and here he would be careful to avoid anything tending to personal altercation, anything tending to crimination or recrimination into a subject of such deep and vital interest. He would most carefully imitate the example of the right hon. Baronet, and avoid all those personal allusions, which sometimes might enliven but could never improve the debates in that House. But the right hon. Baronet had stated something with reference to his plan which he could not allow to pass unnoticed. Upon the occasion to which he had referred, in 1840, he had recourse to the imposition of 5 per cent. on the customs and excise, and 10 per cent. on the assessed taxes. Of course, that was a source of taxation which was liable to great change. No doubt, taxes on consumption were liable to increase or diminish according to the condition of the country and the capacity of the great bulk of consumers to pay for the taxed commodities and revenue derived from such sources was liable to be affected by many circumstances, such as a good or bad harvest. No human being, therefore, could pretend to predict with certainty what the result of such a measure would be, or depend with perfect confidence on its success. The main point in all those cases, and the first question which was asked at the Treasury, was what is the state of the harvest? When the harvest was good, the consumption rarely failed to make the revenue equal to the expenditure, but if it should happen, as it had happened of late years, that there was a succession of bad harvests, the people would be in a state of difficulty and distress. It was not the additional 5 per cent. which caused a diminution in the customs and excise, but the distress which prevented the people from being able to consume the articles on which the duty was levied. The additional pressure of the 5 per cent. was not severely felt, but the calamitous state of the country made a great diminution in the consumption inevitable. He had thought it right to state this, because the right hon. Baronet had told the House, that it was unsafe to look to increased consumption in articles of subsistence as a source of revenue. The right hon. Baronet said, he wished to exhaust all the modes of supplying the deficiency, and referred to the failure of the measure imposing a tax of 5 per cent. as if it were a proof that to this mode of taxation it was unwise to resort. He did not refer to this matter merely with the view of setting himself right with the House and the country, but it was important to subject the statements and calculations of the right hon. Baronet to a careful examination, he must say, that if they were going on a calculation which had really been the foundation of the conclusions of the right hon. Baronet, that it was hardly possible to increase the revenue by the increasing of the amount of taxation on consumable articles, he meant to say, that if such was the foundation of the right hon. Baronet's arguments, he had made a most egregious mistake as to the amount of the probable proceeds of such an additional taxation. The right hon. Baronet had said, that the 5 per cent. which he had imposed on articles of consumption produced only 1½ per cent. or 206,000*l.* But the right hon. Gentleman had forgotten that the 5 per cent. was never placed on corn. Now, if it were proved, that if corn were included in the right hon. Gentleman's estimate of the produce of taxation on articles of consumption, there would have been a great increase to the revenue above that amount which the right hon. Gentleman had stated, he thought, that the foundation on which the right hon. Gentleman had raised his superstructure was taken away, and he had not satisfactorily proved, at any rate, that he had exhausted the means of supply from those articles which were consumed by the mass of the people. He hoped he should not be misunderstood. He was not urging whether it was expedient or not now to deal with articles of consumption. He was not raising the question whether it were advisable to take more direct taxes than those which were laid on articles of consumption; but he was showing, that if the right hon. Gentleman based his conjectures on the failure of the projected plan of the late Government, he was reckoning without his host, for his calculations were not founded in fact. He had not obtained all the official papers; he had only the means, therefore, of showing what the net payment into the Exchequer had been, though he believed that the gross amount did not present any great difference. In 1839, the Customs and Excise amounted to 35,093,000*l.*; from this if we deducted 1,098,000*l.* for corn, it left a residue of 33,995,000*l.* In 1841, customs and excise 35,577,000*l.*; and if we took away 575,000*l.* for corn, there would remain 35,002,000*l.*; leaving, instead of 206,000*l.*, a balance of 1,007,000*l.*, as contrasted with the preceding year, if the 5 per cent. duty had been attached. He should be happy to hear any answer given to that statement. His scheme might or might not be a good one; but he remembered, that though it met with general concurrence, there were two propositions which came from the opposite side, which it was urged might be adopted with advantage. One came from the right hon. Baronet (Sir R. Peel), who stated, that he preferred an addition of 2*d.* to the postage; and the other emanated from the right hon. the Chancellor of the Exchequer, who insisted that the proposal of 4*d.* upon spirits should be abolished. But the right hon. Gentleman saw reasons, when he came to the Government, for not acting on the proposal which he had given with regard to the postage; and the duty of 4*d.* on spirits, which the right hon. the Chancellor of the Exchequer considered so objectionable, he rendered palatable by clapping on in Ireland an additional 1*s.* His former proposition was this, 5 per cent. on the customs, which would have given an increase of 1,007,000*l.*, and 10 per cent on the taxes, which would produce 742,000*l.*; making together 1,749,000*l.* He apprehended, that the circumstances of the year 1841 were of too recent occurrence to render it necessary to give a history of them. He wished, however, and he thought it not unfair, that he should state the grounds on which he had made his proposal to the House. He proposed a certain alteration in the duties on sugar and timber, from which he anticipated that the revenue would derive a certain sum, and he also contemplated a change in the duty on corn, from which an additional amount might be expected. This was a debate on a financial question, and he had not the slightest wish to revive the party questions which were bandied so freely at both sides during the last year; but he was anxious that they should look back and see, as far as it could be calculated, what was the result of his proposal, and whether it was so wild and visionary, so contemptible a bubble as it then was held to be. Let it be borne in mind, that the right hon. Baronet never referred to this part of the subject at all. The right hon. Gentleman merely said, with reference to this question, "When we have exhausted the different modes of raising a revenue by taxing articles of consumption, shall we recur to a system of reducing the duty, expecting thereby to have the same or a larger amount of revenue than we collected before?" Now if that were supposed, by the right hon. Baronet or anybody else, to have been his anticipation from his proposal, the right hon. Baronet had not the slightest conception of what he really did found his plan upon. He might perhaps be mistaken as to the right hon. Gentleman's use of this precise argument, but he certainly had heard arguments which tended to show that as the reduction even on the article of coffee did not give the same amount of revenue until after the lapse of three years, there was no hope that the revenue would have derived last year any advantage from a change of duty on corn. He should show from documents furnished by the right hon. Baronet, that far from estimating the result of a change of duty on corn too high, he had made much too low an estimate of it. If the amount of duty proposed last year had been adopted, there would not only have been a considerable increase over the amount which had actually been received into the Exchequer, but over that which he had been considered so sanguine in announcing last year. The amount of revenue from corn of all sorts in 1841, as per trade and navigation returns, was 575,581*l.* Now there were admitted of foreign wheat and flour 2,388,072 quarters, which, at 8*s.* per quarter, would give 955,228*l.*; also 222,312 quarters of foreign barley and meal, which, at 4*s.* 6*d.*, would give 50,020*l.*: 20,769 quarters of foreign oats and meal at 3*s.* 4*d.*, would give 3,461*l.*; and 386,328 quarters of rye, peas, and beans would supply 96,582*l.*; making the whole produce 1,105,291*l.* This was a sum not only exceeding that which had been received under the existing state of the duty by 529,710*l.*, but it was beyond the amount which had been anticipated when the proposal was first made, and which only amounted to 900,000*l.* But it might be said that corn would not have come in; but he ventured to say that it would not only have come in, but that it would not have cost the consumer a sixpence more. With regard to sugar, he saw from the way in which the right hon. Baronet smiled that he expected him at once to admit that a considerable addition had resulted to the revenue without any change in the duty. The real increase in revenue of 1841 over 1840 was 584,143. He knew it would be at once said, as was urged in a former debate, "we have had this return without any change in the law, and simply by leaving things alone, and your proposal would have done nothing, except to injure the labouring population of the West Indies, and to endanger the security of property." He had told the House at the time he submitted his plan that though he estimated the return from the change of duty on sugar at 700,000*l.*, yet that he expected, from communications which he had with individuals, a much larger sum; but every return which had been since made satisfied him that if the course he recommended had been adopted, the revenue would not only have received 584,143*l.*, but double that sum. He had been assured by those opposite that the imports from our colonies would be amply sufficient to meet the consumption of the country. The right hon. Gentleman opposite attempted to fix him to the estimate which he brought in, but he always met this appeal by saying that he should let the people have as large a supply as they could procure at a fair price. Now, let us see whether from the supply afforded during the last year, which was furnished at the moment, and, as it were, from hand to hand, they were not justified in concluding that if there had been a larger supply there would not have been a much larger demand. He should be able to show that if sugar could be procured under a certain given price, the consumption would go on to an extent almost unlimited, but the moment it rose beyond a certain price, consumption was checked, the poorer class of consumers ceased to buy, and they were obliged to depend upon a smaller class of consumers. He thought he could show that during the past year the demand had not been met by the supply. He did not pretend to say that he could show that sugar had been consumed which had never been brought to market, but as far as he could judge from the returns laid on the Table, he thought he could show that a further supply would have been met by a further demand. His right hon. Friend (Mr. Labouchere) and himself had seen, while in office, several deputations connected with the sugar trade, and they all assured them that the stocks in the country were very low. The total import of sugar in 1840 was 4,035,000 cwt.; and deducting foreign sugar 805,179 cwt., the whole colonial sugar amounted to 3,230,666 cwt. The consumption, according to the papers of the right hon. Baronet, was 3,606,853 cwt.; making a deficit of 376,187 cwt. In 1841, there were imported 4,883,974 cwt.; deduct foreign sugar 806,530 cwt., and the colonial sugar would be 4,077,444 cwt. The consumption was 4,065,971 cwt. showing a deficit of 11,473 cwt. Now, was he wrong, even on the statement of Ministers, and on their own figures, in saying, that if their supply had been more ample, the demand would have been more considerable, and the revenue would have proportionably increased? But this was not all; the right hon. Baronet had favoured him with the amount of stock, and the document which showed it was a valuable one, for it gave the amount in bond in all the different ports. He wished to compare it with an estimate furnished by the West-India body, which was entitled to every credit, as it had been borne out by facts which since occurred. He found, that on the 1st January, 1841, the stock amount, according to this estimate, to 700,000 cwt., and the return of the right hon. Baronet on the 5th March, 1842, gave the quantity of stock at 590,000 cwt., and if these two statements were accurate, there had been a deficiency from the 1st January, 1840, to March, 1842, of 110,000 cwt. of supply, as compared with demand. Now, therefore, he thought he had good grounds for stating, that if sugar had been more extensively supplied, at a reasonable price, the consumption, and consequently the revenue, would have greatly increased; and it must be recollected, that if any foreign sugar entered, it would not have been at 24*s.* but 36*s.* In the statement which he had made on the sugar duties, he had laid on the Table of the House a document showing the consumption which might be expected with relation to the population, if the price was reasonable. He should state how that matter stood. In 1841, there were imported, of sugar and molasses, 4,233,653 cwt. Now, if we were to take the average calculation of consumption per head for 11 years, it would give 4,545,664 cwt., leaving a difference of 312,011 cwt., which at the 5 per cent. duty, would have given 587,000*l.* being about just as much again as they had received under the existing state of things. He was in this difficulty, undoubtedly, that he was giving this as the result of calculation; but no man could possibly doubt, that the estimate he had formed was under the due amount. And here he could not help referring to the opinion of one of the most able and efficient public officers, he meant Mr. D. Hume—who stated, when the details of his plan were mentioned to him, that though he was not friendly to it as it regarded the West Indies, yet so far as the revenue was concerned, it would produce a great deal more than ever had been calculated on. He now came to timber. With regard to timber, he perfectly admitted, that he had not the same means of making a calculation as he had on sugar and corn; but, although he should not trouble the House with details, he thought he could prove, that the amount and more than the amount he calculated upon, would be received. Respecting the timber duty he would, however, remind the House—and he was surprised, that the circumstance had not been adverted to before—he would remind the House, that something had already occurred with reference to the proposition of a timber duty. And, indeed, it struck him as especially remarkable, that the circumstance should have been forgotten by the parties who took a part in the events to which he alluded. In 1821, there was a committee of the House on foreign trade. He wished to advert to the circumstance, because it was said, that the proposition which he had made regarding timber was opposed to all liberal principles of political economy, and against the principle of free-trade. That committee made a very full report. Lord Wallace was then the chairman of the committee; and Mr. Robinson (now Earl Ripon) the then Vice-President of the Board of Trade, was also a member of that committee. He did not wish to make any charge of inconsistency, for all men were liable to a change of opinion on financial matters; and what may appear to them to be desirable in one year, may appear altogether the reverse on another year. The recommendation of the committee at the time, in order to carry out right principles of finance, was advisable, that the differential duty between Canadian and Baltic timber should be diminished. There were three ways of doing this—the first was to increase the duty on Canadian timber; the other was the reduction of the duty on Baltic timber. Neither of these courses did the committee recommend, but what it did recommend was to increase the duty on Canadian timber to 10*s*., and reduce the duty on Baltic timber to 56*s*. That was the principle of the proposition he proposed, the equalisation of both duties by raising one and diminishing the other, and was that complained of as an anti-free-trade proposition—as being no benefit to the consumer—and as being one of the worst modes that could be adopted for equalising the duties on timber? On the contrary, he found that that very measure was brought in and approved of by gentlemen who appeared satisfied that it was at least a step in the right road of legislation. He (Mr. Baring) had not only in view the increase of the revenue, but the additional object of throwing open the trade in Baltic timber, and carrying on that system of legislation which he and his Colleagues thought it was for the benefit of the country to adopt. What was the result of that measure in 1821? He found, that in 1820, before the duty was altered, the amount received on timber was 927,000*l*. He would not compare the receipts in that year with 1821 or 1822, for they were complained of; but in 1823, the revenue on timber from 927,000*l*. had increased by 625,000*l*., for the duty produced 1,552,000*l*. Consumers made no complaint; but not only so, it was found from that time, the consumption of timber of all sorts increased, instead of diminished. If he had gone into these details, connected with the arrangements which he once had the honour to propose to the House, he could assure them it did not arise from any personal wish to defend himself, or from any pertinacious adherence to his own plans. His object was of much greater—of infinite importance—to show, when they came to consider the decision they should pronounce with respect to the finances of the country, that they had not exhausted either of the sources to which he had ventured to refer. His object was, to show that they had not exhausted either of the sources of revenue which he had stated. His object was to tell the House, that when they came to look at the whole course they had to pursue, when they had to choose, and an unfortunate choice he admitted it was, when it was for them to choose between adding, in some way or other, to the burdens of the country, there was none of that impossibility in raising a revenue from other taxes which could alone justify their recurrence to the odious impost which they had adopted. The right hon. Baronet, in the speech which he made to the House on a former evening, and to which, though he differed from the results contained in it, no one listened with more admiration than himself,—stated the actual deficiency at 2,569,000*l*. and the probable deficiency at 3,000,000*l*. To cover this deficiency, the right hon. Baronet proposed to raise 4,300,000*l*., that was to say, 3,000,000*l*. would be required for the public service, and 1,300,000*l*. which he intended to dispose of in the reduction of duties, in the manner which he had explained to the House. The proposition, therefore, included not only the raising an amount of money equal to the acknowledged wants of the country, but likewise a further amount of about 1,300,000*l*. for the purpose of dealing with matters affecting the commerce of the country. The House ought to look to the principle on which the right hon. Baronet proposed to act in this respect. It was necessary for the House to consider upon what principle this new commercial code was founded, and the arrangements held out as a temptation to the public, and to the mercantile classes in particular, to submit to a tax, the history of which was quite sufficient to render it most objectionable. They had to look at what were the propositions of the right hon. Baronet, and what was the principle upon which they were based. He would not enter into particular details; he would not quarrel with the right hon. Baronet about this duty or that, but this he would assert, that one principle pervaded the whole tariff, a principle about which the right hon. Baronet said nothing in his opening speech, but which appeared to him to be fraught with danger to the commercial interests of the country. What had hitherto been the utmost extent to which the differential and protective system had been carried? Some articles affecting the important interests of our colonies, had been largely protected, but the system of protection had not been extended to all small matters; the Legislature had not laid down the principle that, in every possible case, it would establish heavy differential duties between the produce of our colonies and of other countries. That was the principle which he found laid down in the tariff. He would not enter minutely into matters of detail, but he would refer to the first article in the tariff — Asses. [*Great Laughter.*] After the sly observation which he heard escape from the right hon. Baronet, in communication with an hon. and excellent Friend of his, it made it rather uncomfortable for him to allude to the protection given to English and colonial asses. This was the paper of the First Lord of the Treasury, upon which his budget statement was made :—

> "Revision of the tariff. It is computed, that there are 1,200 different rates of duties, all carefully considered. Proportion borne by duty in each case to average price considered."

The right hon. Baronet, in a very solemn manner, assured the House that all these came under the consideration of himself and the Cabinet, and that they had given to each individual case a careful consideration. That being the case, he would wish the right hon. Baronet to explain his conduct with respect to asses. The right hon. Baronet had diminished the protection hitherto enjoyed by English asses; but then, after grave deliberation of course, he had given a protection of 100 per cent. for colonial asses, which heretofore had enjoyed no protection at all. The right hon. Baronet reminded him that this was ridiculous legislation. True, it was so. It was laughable to see a Cabinet gravely deliberating on the amount of protection which ought to be extended to colonial asses. Why one schedule of the new tariff comprised a whole apothecary's shop. In one page he found a protection on Eau de Cologne the produce of the colonies. He knew perfectly well how that incongruity occurred. The Government had laid down a general principle, and applied it to all cases. They had not been influenced by such considerations as the protection of the negro population, the ensuring of a supply of home-grown corn, of promoting the timber trade in our own colonies; they were not apprehensive that the supply of Eau de Cologne would not be equal to the demand. No; those were not the grounds upon which they had proceeded in drawing up their new tariff, but they laid down the principle that in every case, and under all circumstances, there should be differential duties. Was that to be the commercial principle of the Government. Mark how unfairly their principle operated. There was a large class of persons entirely employed in cork-cutting. He had been told that by the reductions they were making in the tariff these persons, who were the creatures of the protective system which had been fostered in this kingdom, would have their interest most materially affected. He did not mean to contend that if, for the purposes of carrying out the general principles of free-trade, they would have to remove that protection, they had no right to do so; but he would tell them that these persons had a right, not unfairly, to complain if they found that the protection was taken away from them, whilst protection upon many articles of colonial produce had been increased, and in many instances articles were protected which had never before received protection. He would take two of the schedules, the 1st and the 7th, in which there were 313 different articles; to 67 of these articles no protection was granted, and there were introduced not less than 246 new protecting duties. It would be said, these were small articles, and not worth considering; but he thought that man was not a wise man who would venture to foretell what might be the ultimate result of any protection, however small. He firmly believed that a considerable portion of that inconvenience from which trade was at present suffering arose from the injudicious attempts which had been made to give protection to particular trades, at a time when it was wrongly thought they required the fostering care of the State. Take another article which the Government proposed to deal with, this was tobacco, upon which they proposed to reduce the duty on colonial tobacco 3*d.*, establishing a differential duty to that amount in favour of the colonies. The proposition of the Government upon that point had been repeatedly submitted to the House, and as frequently rejected. Mr. Huskisson at one time entertained the idea that tobacco could be grown in our North American colonies, and under that impression fixed the duty upon tobacco, the produce of the West Indies and Canada, at 3*d.* less than that upon tobacco grown in the United States. His differential duty, however, was not extended to tobacco grown in the East Indies, to which the Government now proposed to apply it. It was one thing to take away protection which parties had long enjoyed, and another to extend it to parties who had never had it. This was what the Government was about to do. They were about to extend the differential duty on tobacco, which was at present a cypher on the books of the Custom-house, to India, where it would make a practical difference, because a considerable quantity of the article would be imported from that country. What would be the difference to the consumer? Would it reduce the price of tobacco a single farthing? It would not, and the result of the arrangement would be merely to deprive the English Exchequer of the differential 3*d.*, and to place it in the pockets of the Indian speculator. In the present state of our relations with China he would not say much of the favour shown to Assam tea. He only hoped the right hon. Baronet would not compel him to drink it. To those who might object that the points to which he was adverting were of small importance, he would reply by asking what effect the new principle introduced into our tariff would have when we came to negotiate commercial treaties with other countries? It had been the object of wise men, in latter times, to liberalise the tariff, and reduce the distinctive and differential duties by which it was deformed, but now it was proposed to impose a differential duty upon every article which could be found. Was it not probable that foreign states would turn round upon us, and say—"Your principle is a differential one, and the principle which you act on we will carry out also; we are persuaded your principle must be a valuable one, because you even incur the risk of making yourself appear ridiculous from the manner in which you carry it into practice." Ought we not to look to the future? The interests to be protected by the imposition of differential duties might be small in themselves, but those interests, when united, would be as difficult to break as the bundle of sticks, and they would hereafter oppose a firm resistance to measures having for their object the benefit of the consumer. Was it wise to increase the opposition which obstructs every Minister who endeavoured to take a single step in a liberal course of policy? The question now was, whether the country was willing to undergo an Income-tax for a tariff founded on such principles. Was the advantage to be gained by the adoption of the new tariff sufficiently great to induce even those who did not entertain the strong objection which he had always felt to the tax proposed by the right hon. Baronet, to consent to its imposition? The opinion he now held on the subject of an Income-tax he had always entertained. It might be urged against him that he had not made any public declaration of his opinion upon that point; but it should be remembered that he had held the office of Chancellor of the Exchequer, whose duty it was said to be to talk as long as was necessary without expressing a decided opinion upon anything, until his budget should come out. He saw the right hon. Gentleman opposite was looking at one of his speeches, but he would find nothing in it in favour of an Income-tax. He remembered, on one occasion, making a speech of half an hour's length, and he was told, at the conclusion of it, by the hon. Member for Lambeth, that he had made a good-humoured speech, without saying anything; and this he certainly considered one of the greatest compliments that could be paid to a Chancellor of the Exchequer. Other opportunities would occur for discussing the question of the Income-tax; but he could not allow that occasion to pass without asking the House and the country at large to calmly consider what was the nature of the impost to which it proposed to subject them, and to deliberate as to whether there was no other less objectionable mode of supplying the deficiency of the revenue. When he came down to the House on the evening when the right hon. Baronet made his financial statement, he had not the slightest notion that it was the intention of the Government to propose any such measure. He had expected that, on that occasion, it might be necessary for himself and his late colleagues to enter into a discussion respecting the measures which they proposed last year, to vindicate the accuracy of the statements they had made, and the principles they had laid down. At the same time speaking for himself and his late Colleagues, he could state they had resolved that they would not, for any mere party purpose, object to the imposition of any fit and proper taxes that might be necessary to raise the sum required for the service of the country. The tax now proposed, however, was one to which he could not consent. Was it a just tax. Was it an equal tax? Those were questions for the country to determine. Was it fair that those who were in the permanent occupation of property—that those whose property descended from father to son, and who might dispose of it as they pleased, should pay in the same proportion as those who obtained their annual incomes by their own exertions—incomes which would be immediately cut off by some of those casual accidents to which humanity was liable, leaving the families dependent upon them wholly unprovided for. The right hon. Baronet had already learned what that large and influential body, the Bank of England, thought of a scheme which affected equally permanent and annual funded securities. For his own part he could conceive nothing more unfair than such a mode of taxation. He was aware that many persons believed that the scheme proposed by the right hon. Baronet was the fairest and most equal mode of raising a revenue, but his own opinion was that no tax could be devised which would operate more unequally, more unjustly, and more oppressively. When he was in office, and sitting on the other side of the House, he put a question to the right hon. Baronet to which he was not fortunate enough to obtain an answer. He asked the right hon. Baronet what, in the event of the House rejecting the measure which he then proposed, he would himself propose. He believed, that the right hon. Baronet would not now put a similar question to him. On the 14th of May last year, he made use of the following language in that House:—

> "I ask from hon. Gentlemen opposite not that kind of information which was wrung from me last year, to the inconvenience of the public service—not particular details, but the general course which they are prepared to adopt. It is the duty of the House to provide for the public service, and I ask hon. Gentlemen opposite in what mode they would perform that duty. I do not call on them to specify the actual taxes they would propose, but the general course of policy. Are they prepared to have recourse to additional direct taxation to make up the public revenue if they reject my motion? I have proposed to raise the means for the public service without laying additional burdens on the people of this country—if you oppose me, are you prepared to assert a further taxation."

He was not prepared to offer a budget to the right hon. Baronet. Nothing could be more indecorous and improper than such a proceeding; but he should not feel justified in opposing even the proposed Income-tax unless he could point to other sources of revenue for the means of enabling the country to avoid so great a calamity. He last year proposed a mode of raising a certain sum. He would not now go over the grounds of the arrangement which he then proposed. He at the time fully explained the reasons which induced him to think that sufficient money might be raised in the manner he suggested to supply the large deficiency of the revenue. Looking at the enormous amount of taxation which had been repealed since the war, could it be justly alleged that there were no other means of supplying the existing deficiency except by a tax upon income? He would briefly state the taxes which had been repealed since the war, leaving the property-tax out of consideration:—

In the customs there had been a reduction of	£7,500,000
In the excise of	12,000,000
In stamps of	866,000
In taxes of	4,800,000

The right hon. Baronet did not rely upon the Income-tax alone for raising the money he wanted—he resorted to other sources of revenue. The right hon. Baronet expected to obtain 400,000*l.* from Ireland by the addition he proposed to the stamp and spirit duties affecting that country. Would any man venture to assert that if 400,000*l.* could be drawn from Ireland, means could not be found of restoring public credit, and raising the income to a par with the expenditure, without resorting to a tax which had hitherto been considered the last resource of the Treasury, and to be applied to only in cases of the greatest difficulty? When Mr. Vansittart had been compelled to give up the property-tax, he levied three millions of other taxes in 1819, and that the imposition of those imposts did not injuriously effect the public welfare was evident from the fact that in 1822, 1823, and 1824, the Government was enabled to repeal a considerable amount of taxation in consequence of the increased revenue derived from articles of consumption, and the general improvement of trade. As the right hon. Baronet had not explained the nature of the machinery which he intended to employ in the collection of the Income-tax, he would not dwell upon that point; but he could not help calling the attention of the House to as important a document as he ever read, namely, a petition of the merchants of London, presented to the House of

Commons when the last Income-tax was in operation. The meeting at which the petition was agreed to, was stated to have represented all the property and respectability of the City of London. It was stated in the House, at the time the petition was presented, that an attempt had been made to get up a counter-petition in favour of a modified income-tax, for which only twenty-three signatures could be obtained; and the original petition, therefore, came to the House, expressing the experience and feelings of the whole mercantile class of London. It was worthy of remark, that that petition was moved by the very gentleman (Mr. Hibbert) who was the author of the income-tax, and suggested it to Mr. Pitt. He would take the liberty of reading the petition to the House. It stated:—

> "That in the judgment of the petitioners, the property or income-tax is in its principle arbitrary, at variance with the spirit and general practice of our constitution, and that it ought only to be submitted to in cases of urgent necessity; that inasmuch as it operated indiscriminately npon all casual as well as permanent incomes, it is not equitable; and that, in its application to trade and commerce, it has been found inquisitorial and oppressive; that during the long and arduous struggle in which this country has been engaged, the petitioners have patiently submitted to taxes, however burdensome, and even to this imposition, however vexatious, in the confident reliance that upon the return of peace they should be relieved from those contributions at least which were professedly raised for the purpose of defraying within each year a considerable portion of the extraordinary and unavoidable expenses of the war; that the faith of Parliament had been expressly pledged for the cessation of the income-tax with the war, which alone could justify such establishments and expenditure as rendered that galling burden necessary; and that in the petitioners understanding and belief, it had never been continued nor renewed without its being accompanied by the same pledge; that no modification of its details, or abatement in the rate of its immediate exactions, can in the opinion of the petitioners remove the obnoxious principle of this tax, or compensate for the alarming precedent of its enactment during peace; that to anticipate in time of peace those extraordinary resources which should be reserved for the defence of the national interest, honour, and independence, when either are endangered by foreign aggression, appears to the petitioners to be injurious, not only to the domestic comfort and prosperity of the country, but to its reputation and influence abroad; that the petitioners, therefore, earnestly entreat the House not to permit the renewal of the income and property-tax, and to promote efficient measures forthwith for the diminution of the public expenditure."

The petition which he had read was received by the House with a shout of unanimous applause. It was presented on the 18th of March, 1816, and, by a singular coincidence, the right hon. Baronet had selected the anniversary of that day to call upon the House to re-impose the tax which the petition was mainly instrumental in causing to be repealed. He trusted, that in what he had said, he had avoided any thing like recriminatory language, but he felt the deepest and sincerest objection to the tax proposed by the right hon. Baronet, and if he were to stand alone he would record his dissent from it.

The *Chancellor of the Exchequer* said, it was perfectly natural, that the right hon. Gentleman opposite should take the earliest opportunity of expressing his sentiments with respect to the financial measure of her Majesty's Government, and he, for one, had nothing to complain of in the tone in which the right hon. Gentleman had expressed them; nor was he himself disposed to take a different course than to abstain from that recrimination which the right hon. Gentleman had avoided, and confine himself to the arguments which the right hon. Gentleman had used on that occasion. He must, however, be allowed to express some surprise, that while the right hon. Gentleman had naturally taken an early opportunity of expressing his opinion upon this subject, he had taken it in such a form as not to call upon the House to give any opinion on the principle which he had advocated—he had made a speech, but had offered no proposition upon which the House was called on to divide; and although he had heard the right hon. Gentleman throughout his speech, yet he could give no opinion as to the course which the right hon. Gentleman intended to take with respect to the measure then under their consideration. He understood the right hon. Gentleman intended to vote against the resolution in committee. He thought it was more conformable to ordinary usage, more conformable to the fair discussion of the subject, if the arguments had been introduced at a period when the House might have had an opportunity of bringing conflicting opinions to a test. He proposed, as the right hon. Gentleman had gone back to a considerable period, and had travelled over a large field of taxation, to address himself, in order, to the several topics which the right hon. Gentleman had introduced. The right hon. Gentleman commenced by referring to that period of the management of the finances of the country when that deficiency first commenced for which they were now called on to provide—not, indeed, a deficiency alone, but the accumulation of deficiency which the system adopted in 1838 and 1839 had led to, and which had now entailed upon the country, even according to the confession of the right hon. Gentleman, the absolute necessity of providing by fresh taxation for the exigencies of the State. The right hon. Gentleman told them, that the Ministry was justified in the course which they took in 1838, in not providing for the large deficiency which was then permitted to remain at the end of the year; and that there were no extraordinary occurrences on that occasion which obliged the Government to call forth the energies of the people. He further eulogised that system of borrowing and temporary arrangement which now proved to be the great misfortune of the country, and rendered it necessary for the Government to tax the people for the purpose of repairing past errors. The right hon. Gentleman had referred to that period of 1838 and 1839 as if it were a period promising such perfect tranquillity, that no provision was then necessary to be made for the exigencies of the State; but he had forgotten, that in those two years, there were circumstances sufficiently threatening to have pointed out to a Government with ordinary prudence, that the state of the finances of the country ought not to be permitted to fall into dilapidation. In the year 1838, they had had a manifestation of revolt in the Canadas, originating in circumstances to which it was then unnecessary to advert, but which immediately entailed upon the country a considerable expenditure, and threatened an increase of it even in that year. There were circumstances, then, in the commencement of that deficiency to warn the Government that it ought not to be permitted to continue; and if they took not that early warning, at least to induce them, at a subsequent period, to combine with an united effort to prevent the consequences. Nor was the whole evil of that want of energy in not providing by taxation for the wants of the country, shewn by the actual deficiency of the year. Unwilling to face the difficulty of imposing fresh burdens on the people, the Government had recourse to a system of reducing the balances in the Exchequer to a hazardous extent. The House, perhaps, was not aware what was the balance in the Exchequer at a period just previous to that to which the right hon. Gentleman had referred. On the 5th of January, 1837, it was 6,049,000*l*. On the 5th of January last, that balance was reduced to about 3,500,000*l*.; let not the House suppose that that was an inconsiderable evil, or one which they were to put out of their consideration in dealing with the finances of the country; or that, though not called upon to provide for that deficiency of balance, but only to make up the deficiency of the annual receipts to meet the annual expenditure, there was anything but danger in leaving the balances in that condition. The present proposition was to provide for the moment, for the debt that was due; but in proportion as that balance in the Exchequer was reduced, so were they obliged to depend upon the Bank of England for a larger supply, and were making the country more and more dependent on that great establishment, and not only that, but were also deranging the currency, and preventing the Bank from making those arrangements in respect of it which might be necessary for their own security and the prosperity of the commercial and manufacturing interests of the country. When the right hon. Gentleman told them that he had forborne to impose upon the people fresh taxation, it was no trifling consideration, in dealing with the finances of the country, to remember what had been the effect of that abstinence, followed up as it had been by five consecutive years of deficiency, upon the Exchequer of the country. The next attempt of the right hon. Gentleman was to show, in opposition to what had been stated by his right hon. Friend at the head of the Government on a previous evening, that taxation on articles of consumption had not been unproductive to the degree which his right hon. Friend had stated and here he must say, that the right hon. Gentleman seemed altogether to have misunderstood the argument which his right hon. Friend had used. The right hon. Gentleman supposed that his right hon. Friend had stated that the addition of 5 per cent. imposed on Customs and Excise had not raised any revenue at all to the country. But that was not the argument which his right hon. Friend had used. His right hon. Friend wished to show that the consumption of the country was so affected at the present moment, that when you attempted to make to it even a small addition, in proportion to the total amount, the effort must necessarily fail. The right hon. Gentleman complained that his right hon. Friend had taken the total amount of the Customs in 1840 and 1841, and had shown from that total amount of revenue the failure of his (Mr. Baring's) plan. He further contended that that view was altogether erroneous; and that he ought to have excluded, in considering the question of consumption, the amount produced by the 5 per cent duty. He thought that that was the argument of the right hon. Gentleman; but he was afraid the right hon. Gentleman would not derive much advantage as to the main point at issue between them from the observations which he had made on the statement of his right hon. Friend. The question which the House had to decide was this—could they, with a prospect of raising revenue, impose on articles of consumption a new taxation to the amount of 3,000,000*l.* or at least without great burden upon the commercial, manufacturing, and trading interests of this country, or whether they should adopt another system of taxation now proposed to them? He had had a paper made out, stating the produce that was derived from certain articles of revenue in 1840, he had added to the produce of those several articles the per centage which the right hon. Gentleman imposed, and had compared the total result that ought to have been derived from it in the year, with the actual result of it in the following year; showing thereby, what was the increase expected from the addition of 5 per cent., and what was the actual result. Now, to take some of the articles with respect to coffee, the amount proposed to be derived from it was 890,000*l.*, the actual amount was only 870,000*l.* That was taking the whole year during which the additional duty was received. In sugar the amount ought to have been 5,017,000*l.*, it was only 4,310,000*l.* In wine it was to be 1,998,000*l.*, it was only 1,806,000*l.* In timber it ought to have been 1,590,000*l.* it was only 1,540,000*l.* Upon these few articles alone, there was a deficiency of nearly a million, comparing the actual result with what the result ought to have been, had the addition of 5 per cent to the duty, produced the expected increase. Now, to come to the corn duty. The corn duty, in 1840, produced 1,000,000*l.*, in 1841, only 500,000*l.* [Mr. *Baring:* I was speaking of the net amount.] It was only by taking the gross amount that they could arrive at the real result. He admitted, that no just conclusion could be drawn from the gross amount as to the effect which the tax had on the revenue of the country, for it might require an additional establishment for its collection; and, although the tax might be productive, yet the deductions from it might be very considerable; and, again, when they dealt with the net amount received by the Exchequer, that might be a fair test for the purposes of revenue, but for the purposes of testing the consumption, it would be of very little avail. The right hon. Gentleman next spoke of the inconsistency which had been displayed by himself, and by those who acted with him, with respect to the imposition of a fresh duty on spirits in Ireland. When the impost of 4*d.* a gallon on spirits in Ireland was proposed in 1840, observed the right hon. Gentleman, the present Administration declared, that they apprehended an injury to the revenue by its operation; yet, that when they were able themselves to choose a tax for the restoration of the finances of the country, they had not only adopted a principle which they had before condemned, but, that they had also carried that principle further than was previously contemplated. Now, he believed, that he should be able to make a satisfactory reply to this objection of the right hon. Gentleman. He found, that in spite of the additional tax imposed on Irish spirits by the right hon. Gentleman, the consumption had increased; therefore, he thought he was justified in changing his opinion, and in thinking, that a tax imposed on that article was advantageous for the revenue, without being prejudicial to the cause of morality. The right hon. Gentleman had then proceeded to review the budget of the previous year. Now, he thought, that the merits of that budget had been so completely discussed, and the opinion of the House respecting its merits had been so decisively expressed, that he might very well have been excused from entering at the present time on that question. But as the right hon. Gentleman had, in reference to this point, made some statements which he thought required a reply, he would reply to them. The right hon. Gentleman had alluded to a fixed duty on corn as a source of revenue; and the right hon. Gentleman said, that if his scheme had been adopted, instead of 500,000*l.*, which was obtained for the revenue from the duty on foreign corn, 900,000*l.* would have been realised. But the right hon. Gentleman must know, that in matters of finance there was considerable truth in the adage, that two and two do not make four. It was not certain, that if the duty for the past year had been changed from 3*s.* 5*d.*, which was the average, to 8*s.*, as was proposed by the late Administration, the consumption of corn would have been increased. [Mr. *Hawes:* But what was the price?] He left the question of the price to those who maintained, that any duty on corn had a tendency to produce starvation of the people. He maintained, that they who increased the duty rendered themselves at all events liable to the charge of starving the people in the opinion of those who had adopted the agitation and declamation which had been employed on this subject. The right hon. Gentleman was reduced to this dilemma—either he must acknowledge, that his scheme would not have produced the advantage to the revenue which was pretended, or else, that the consumption would have been diminished. Next, the right hon. Gentleman touched on the subject of sugar. While on this subject the right hon. Gentleman remarked, that though he had fished in vain for a budget while on the Government side of the House, yet he had been more successful since his withdrawal from office. He quite agreed with the right hon. Gentleman, that the side of the House which the right hon. Gentleman then occupied, was more propitious to the piscatory pursuits referred to by the right hon. Gentleman, than was the side which the right hon. Gentleman had lately relinquished. The right hon. Gentleman would, doubtless, recal to mind a pretty convincing proof, that this was the case. When the right hon. Gentleman, on a former occasion, proposed to raise 700 000*l.* by some alterations in the sugar duties, it was suggested to the right hon. Gentleman from the Opposition side of the House, that the same sum might be raised without the introduction of those changes which the right hon. Gentleman then proposed. He would state, and without any intention of praising those from whom the suggestion emanated, that the prediction had been verified, and that the required sum had been raised without a change in the scale of duties, and without those changes which would have given an encouragement to slave-grown produce. But the meditations consequent on retirement from office appeared to have been useful to the right hon. Gentleman. The right hon. Gentleman stated, that he had discovered, that he had originally been under a delusion, and that he ought to have estimated the amount to be raised by the operation of his own scheme at 1,000,000*l.*, instead of only 700,000*l.* It was late, he thought, considering the length to which the discussions on this subject had been carried, to find out, that after seven or eight months of deliberaiton his original estimate was so far erroneous. He confessed, that if he had not well known the sincerity of the right hon. Gentleman, he should have been induced to suppose from the tardiness of this discovery, that a knowledge of subsequent events had had some share in producing it. But the right hon. Gentleman should have remembered, that the Members on his side of the House had not objected to the proposal made by the right hon. Gentleman exclusively on the ground of revenue. The main objection entertained to the right hon. Gentleman's proposal was, that by its operation, an encouragement would be given to slave-grown sugar, before the insufficiency of free grown produce had been shown. The noble Lord (J. Russell) had said that foreign sugar could only be imported into this country, if the measure came into operation, when colonial sugar was at 61*s.* a cwt. If the noble Lord was correct in his supposition let the right hon. Gentleman look to the prices in the market during the period of the last year. During that period he would find that the price of sugar had averaged 61*s.* 8*d.* Consequently upon the hypothesis assumed by the noble Lord the foreign sugar could never have been imported. One of these alternatives, then, was necessary—either that our West India colonies would have been ruined by the measure, or that the amount would not have been produced to the revenue which the right hon. Gentleman now thought would have been produced by the measure. But the right hon. Gentleman entered into calculations to show that some apprehensions might be entertained that in the ensuing year the supply of sugar from free labour would be insufficient for the demand in this country. With the view of supporting this point the right hon. Gentleman had referred to the quantity of sugar in bond last year, and with this he had compared our present supplies, and the prospects of further increase in our stock. Considering then the resolution, which met the general assent of that House—for he thought that no one's opinion ran counter to the principle, that provided the supply of our own sugar equalled our demand encouragement to slave-grown produce ought not to be given,—considering this, he thought the right hon. Gentleman had not succeeded in making out the point for which he contended. The right hon. Gentleman had alluded to the quantity of sugar in bond last year, comparing it with what was in bond at the present time. As the right hon. Gentleman found that the quantity at present in bond was less than the quantity in bond the same time last year, he inferred that the consumption of sugar in this country had increased: and, moreover, that the extent of the supplies which might be expected during the ensuing year warranted the impression that our demand would exceed the supply. He would endeavour to demonstrate that there was no foundation for these apprehensions; from the paper to which the right hon. Gentleman had referred it appeared that at this period last year there were in bond about 35,000 tons. He had made some inquiries, and he had ascertained that there were at present in bond in London, Liverpool, Bristol, and Glasgow, upwards of 29,000 tons; and looking to all the accounts which had arrived from both the East and West Indies, there could be little doubt that from 260,000 to 280,000 tons might be expected here during the ensuing year. Considering that the consumption of last year was only 203,000 tons, he thought himself justified in anticipating that the entire supply would be fully sufficient for all our demands. With respect to timber, the right hon. Gentleman had said that he expected to raise 600,000*l.* of revenue from this source by the operation of his measure. But there was one question which the right hon. Gentleman had never answered, viz., whether the concession was to be adopted which had been expected by the Canadian Government, viz., that in the event of there being a change of duty on Canadian and Baltic timber, the Canadian merchants should have time allowed them to dispose of the timber which was at that time on hand. The House were in possession of Lord Sydenham's opinion that this course ought to be pursued, and the right hon. Gentleman ought to have explained whether or not he would adopt it before he took 600,000*l.* to his account. The right hon. Gentleman said that the report of the committee of 1821 had recommended the plan he intended to adopt, and on the ground of the similarity between his own project and the report of 1821 he had asked the House to agree to his proposal. But were the two projects identical? He denied that they were, for by the recommendation of the report of 1821 the duty on Canadian timber was to be 10*s.*, when the duty on Baltic timber was 55*s.* But the right hon. Gentleman's plan was, that when the duty on Baltic timber was 50*s.*, Canadian timber should be imported at 20*s.* The difference between the respective duties in the one case was 45*s.*, in the other case it was 30*s.* And the effect of the latter scale would be, that the consumption of Canadian timber would be diminished by the operation of the increase of duty, while the consumption of Baltic would not be materially increased by the trifling reduction in the duty. The benefit would therefore go to the producer, and not to the consumer, by the scheme of the right hon. Gentleman. Having thus adverted to the topics embraced in the budget of last year, he thought he might now be allowed to come to the more important question for the consideration of the House at the present time—viz., how the House were to make up the deficiency in the account of the last five years, and how they were to repair those differences in a way which would be least oppressive to trade and manufactures, and most advantageous to the revenue. The right hon. Gentleman persisted that a tax levied on articles of general consumption would be most effective for their purpose. Those who acted with him thought it more conducive to the interests of the country to levy a tax on the accumulated wealth of the country, which might be ascertained by the amount of income, rather than one which, although it affected all orders of society, still pressing on articles which were generally needed, would be felt more keenly by the middle and lower than by the upper classes of society. This was the right hon. Gentleman's plan, ["*No, no.*"] Why, the right hon. Gentleman held in his hand a list of the customs duties which had been taken off, and he wished to know how it was possible to add to the customs without affecting the interest of the consumers. After having objected to the reduction of the customs duties, he next came to the 13,000*l.*, which had been taken off the excise. Take, for instance, the article of salt. The right hon. Gentleman would have them impose a duty on salt with the view of remedying the emergencies of our finances. If this duty were re-imposed, no doubt the higher orders, and those possessed of large capitals, would be exempt from paying the amount to the State, which the tax proposed required; yet would this arrangement entail much disadvantage on our manufactures, besides diminishing the comforts. Then, again, take candles. Was it expected to re-impose a duty on them? Who were the chief consumers of tallow candles? They were not those who would contribute principally to the tax on incomes, but they were chiefly those who were liable to suffer by consecutive bad harvests, who sustained great misery, who were less able to bear the burdens of the State, and whom, if we were sincere, we ought to relieve of those burdens. Then, again, soap; and he might go through all the articles of the excise, and the objections to one would be found equally applicable to all. Would the right hon. Gentleman impose the duty on beer? He had removed that duty principally because he wished to restore to the lower orders that beverage, which he believed was so necessary to their health, their comfort, and their strength; and he should be most unwilling (a feeling in which the House, he was sure, would sympathise) to re-enact that duty. Yet this, among, others, had been brought forward by the right hon. Gentleman as one of those taxes which he would re-impose on articles of consumption necessary to the working classes. The opinion of the Government, however, was, that the period had arrived when, instead of thus imposing new burdens on the consumption of the community, the wealth and property of the country should be appealed to. What other taxes would the right hon. Gentleman consider as available resources? The window-tax—half of which had been repealed? Or the house-tax? Would not either of these fall heavily upon those very orders of society which it was least desirable to burden? He believed, that whatever might be the feelings of the right hon. Gentleman opposite, the feeling of the country was strongly against the imposition of such taxes as he had alluded to; and if the Government were to reserve a weapon in their armoury for periods of difficulty and distress, when it might be necessary to call for every possible exertion, he thought it would be far better to reserve those taxes which the right hon. Gentleman had suggested, and now to adopt that which the Government recommended. But the right hon. Gentleman said the Income-tax ought never to be imposed except under the pressure of war. What, however, was this fanciful distinction, as to war? The tax was not imposed because they were at war; but because they were involved in difficulty with respect to raising a revenue, because they were involved in debt, and because they were bound to extricate themselves from debt. Had they not been long under the pernicious system of borrowing from year to year—in nominal peace, but in virtual war—war as to its effect on the finances of the country? Nay, if Gentlemen opposite required some actual hostilities as the justification of an extraordinary tax, he would ask them to look to the East, and remember the warfare in China and India, which, though in some respects perhaps inglorious or unworthy of our arms, and though in some part attended with disaster, had required great expenditure, and would require the strongest financial exertions on the part of the Government. Then the right hon. Gentleman had talked about the injustice of the proposed tax, as not pressing in the same way on different classes. "Unjust, unequal," cried the right hon. Gentleman. Why, this was the very language which he had seen in the streets on the placards of some low weekly papers—"No Income-tax—no inequality—no injustice." It was impossible not to be sensible that taxation must be necessarily an evil. It was impossible, in the present state of society, to impose any tax, (so complicated and so artificial were the relations and the interests of the community), without pressing with greater force on one class or on another. Nor would he say, that an income-tax was exempt from this objection, applying as it did equally to all taxes. But look at the articles of taxation which the right hon. Gentleman himself proposed. How did they operate? Did they press equally on all classes? Did they not press more heavily on the lower and the middle classes, to whom they were necessary? Was it not in the power of the higher and richer classes often to relinquish articles which their inferiors in society must consume? Was it then fair to tax equally articles necessary to one class, luxurious to another? The excise duties, for instance, appeared in some respects oppressive or unequal in their operation, with a considerable degree of domestic inquisition, all of which had been, and would be, characterised as exceedingly vexatious. All the eloquence which the right hon. Gentleman had used against the Income-tax had been used in former times by those who had pointed out the Excise duties as containing every possible vice; and of this the right hon. Gentleman might be assured, that all the accusations which he had brought against the property-tax would be repeated from time to time against any tax that might be invented, certain as it must be to affect some particular interests. Let not the House suppose, that in bringing this measure forward, as essential to the interests of the country, the Government had not been fully sensible of the difficulties under which they would have to labour—had not been quite aware, that when they struck at the incomes of the country they should excite a feeling to a considerable extent against the measure and the Administration. But they knew enough of the patriotism of the country to believe, that whatever might be the feelings of individuals, there was yet abundantly sufficient of respect for national honour, of affection for our constitution, and of determination to uphold it, to counteract particular objections, and to induce the people to sustain cheerfully a tax levied on the principle of burdening as little as possible the poorer and the working classes. These were the feelings which would, he was persuaded, overcome all minor considerations, especially when regard was had to those improvements which were to be effected in the trading policy of the country. The right hon. Gentleman had referred to some of the alterations in the tariff, and said, that he observed a number of articles on which duties had been arranged "without principle;" nay, "in some cases, with accompanying augmentation of other duties;" and the right hon. Gentleman had been pleased to be jocular about the first article in the tariff. Now, the principle which had been announced as the basis of the measure was, by the general relaxation of prohibitory duties, to give facilities for the introduction of articles into this country, connected with the progress of our manufactures, and facilities for intercourse with foreign states. True, a distinction had been made in favour of our colonial possessions. True, a principle had been adopted, that because our subjects had settled in distant parts of the world, establishing communities—perhaps empires—calculated to produce, and producing the greatest benefit to their mother country, it was just, that these colonies should have, in essence, if not degree, the same protection for their commodities as we had for ours against foreign manufactures or productions. Nor did he shrink from the assertion of that principle. And though he did not pretend to say, that the Government plan was perfect in all respects (what human scheme ever had been or would be?) this he did say, that the principles on which it was constructed were calculated to improve the condition of our fellow-subjects, whether in England or in the colonies, and to advance our commerce and our manufactures. The right hon. Gentleman had complained of a variety of the particulars in the new tariff as likely to be oppressive or impolitic, or to embarrass future negotiations with foreign states; and the right hon. Gentleman had affected a great deal of commiseration for the cork-cutters, to whom, he said, the measure would be seriously injurious. When did the right hon. Gentleman open his ears to the complaints of such parties? Why, it was not very long ago, that these cork-cutters had cause to complain bitterly of the right hon. Gentleman's measures, as exposing them to loss and injury by lowering the duties on the importation into the colonies of the articles they manufactured. Yes; they had complained only last year of the right hon. Gentleman's measure affecting our trade with the colonies; and bitterly had they complained, when the right hon. Gentleman had reduced the duty from ten to seven and a half, which they had represented as likely to ruin their trade. Of course, it would not be supposed, that he was expressing here any opinion at all on the representations these parties made with regard to the Government measure, as to which he was soon to have the pleasure of meeting them, but really it would not do for the right hon. Gentleman now to profess sympathy for the men who so recently had occasion to complain as loudly of himself. The right hon. Gentleman had adverted, moreover, to tobacco, the cultivation of which, he said, had been encouraged in our North American colonies. But there had been a most important petition from the East-India Company, stating in the strongest terms the hardship they had sustained, from not being put on a footing in protection with the inhabitants of our colonies in the western hemisphere. What said the then Government? Did they demur to the proposals for equalization? No. They had agreed to the reference of the question to a committee presided over by one of themselves. They had then felt no fear as to the raising of a protected interest in the East Indies. They had shown a disposition to place the colonies in the east on the same footing with those in the west; giving the East Indies the means of enlarging remittance to this country. Now, tobacco was among the articles which, in this very petition, had been included, and it was not forgotten in the report. The right hon. Gentleman, the late President of the Board of Control, concurred in the importance of encouraging the cultivation of tobacco in the East Indies; and the present Government had felt it due to the immense empire of India, which had so materially suffered in times past, through the superiority of our manufactures, to reduce the tobacco duty, to that imposed on the western colonies of Britain, hoping hereby to encourage the growth of tobacco and to induce the abandonment of that opium traffic, on the part of the East-Indian people, which had already involved us in serious difficulties, and might, hereafter involve us in difficulties yet more serious. He had now touched on most of the topics which had been urged by the right hon. Gentleman. He had no desire to trespass upon the House with any further allusions to particular branches of the Government plan, which, in common with his Colleagues, he should have abundant opportunity for explaining in the committee. The House in entering upon those discussions in which they were about to embark, would not forget the position of the question as it now stood, in this preliminary debate, between the right hon. Gentleman and himself, that he had been contending for the Ministerial measure, as calculated, by taxing property, to afford relief to the lower classes from the burden of the requisite taxation, while the right hon. Gentleman who had preceded him desired to re-impose taxes, which fell much less on the rich than on the poor, and which were felt more severely though they were not levied so directly. Such a plan as that proposed by the right hon. Gentleman could not fail of inflicting permanent and serious evils. He and his colleagues had laboured most anxiously to avoid having recourse to the measure now proposed by her Majesty's Government, knowing the opinion which would be entertained against it, by some portions of the people, and the burdens which it must throw on many. But he did most sincerely believe, that under the present circumstances of the country, encumbered with a debt which must be discharged, bound to maintain a receipt equal to the expenditure, equal to the preservation of our empire abroad, and our character throughout the world, it was only by the imposition of a tax affecting the property of the country, that it was possible successfully to cope with difficulties so gigantic. For that reason, he had joined in proposing this measure; and he trusted, that whatever might be the inconvenience, it must and would occasion its reception by the people of this country, would increase the confidence entertained throughout the world in the energy and the stability of the empire, founded on the determination of the higher and the more wealthy among its subjects, in common with the middle and the lower classes, to make every sacrifice for the preservation of its power, and in maintenance of its honour; that then the result might be not merely present relief, but that elevation of the national character, and that demonstration of the nation's unanimity which was the most effectual security against hostile machinations.

Viscount *Howick** said, the right hon. Gentleman who has just sat down (Mr. Goulburn) has complained of the manner in which this discussion has been commenced, and has said that it might more regularly and more conveniently have been deferred until we had gone into the committee; in this opinion I cannot agree with him; when we are in committe our attention will be more properly directed to the several and distinct parts of the plan of her Majesty's Government. The particular objections which exist to an Income-tax will, I have no doubt, be urged when the resolution in favour of that measure is submitted to us, and I shall find it my duty to join the hon. Gentleman opposite, the Member for South Northumberland (Mr. Bell) in resisting the resolution for the imposition of an export duty upon coals; but before we come thus to consider individually the different measures which have been proposed to us, I conceive it to be both convenient and consistent with the established practice of the House, that we should avail ourselves of the opportunity afforded by the question that you should leave the chair, in order to discuss the general effect and character of the financial measures recommended to us by the Government, when considered as a whole. The right hon. Gentleman next proceeded to argue that the necessity of imposing so burdensome a tax as that to which we are now called upon to submit, has been produced by the financial mismanagement of the preceding Government in the years 1838, 1839, and 1840. Sir, whether there was such mismanagement or not is a question which I will not now condescend to discuss; though I had myself during two of those years the honour of holding office, and though I must therefore consider myself jointly responsible with the friends who sit around me for what was done at that time, I will not now attempt to defend the conduct of the administration to which I then belonged. I will abstain from doing so, because I think the question now before us is one which ought to be considered without any reference to party interests, or the comparative merits of the two great parties which have successively held the reins of government. The question whether those who now occupy this bench acted judiciously or otherwise in the management of our finances when they were in office, is one of so little moment, when compared with that which is now before us, that it ought not to be allowed to occupy our attention. The question we have now to discuss is not whether the measures of the late Government were right or wrong, but what are the best measures, with a view to the interest of the country, which Parliament can now adopt. It is to this question, and to this question only, that I will address myself. The right hon. Baronet at the head of the Government, in unfolding, a few nights ago, his plans to the House, condemned in the most emphatic terms the policy of persevering in any course of financial management which could lead to a further accumulation of debt during peace; he enforced upon the House, in the strongest manner, the necessity of adopting such measures as may effectually prevent the public expenditure from exceeding our income. In these sentiments of the right hon. Baronet I most heartily concur, and I am ready to consent to any sacrifice which may really be necessary in order to support the honour of the country, and to maintain the civil and military establishments of the state, without augmenting the public debt. I admit also that I do not look for any reduction of our present expenditure, and if it can be shown that the taxes it is proposed to levy are really indispensable in order to raise a sufficient revenue to meet that expenditure, I am quite ready to take my share of the responsibility of voting for their imposition. But, on the other hand, I take it for granted that it will be equally admitted that the House of Commons is not justified in imposing new burdens on the people, unless their necessity can be very clearly shown; for one, I should not think it consistent with my duty, under any circumstances, least of all in such a time of admitted distress as the present, to consent that any additional weight of taxation should be placed upon the people unless it can be proved to me that there are no other means by which the wants of the public service may be met; and I think we are bound to be more than usually careful, and even jealous, in looking into the case of necessity which is laid before us, when the new tax which we are called upon to levy is one by its nature so objectionable, and so odious, as that which has now been proposed. Then, Sir, I ask the House whether we can consider the right hon. Baronet at the head of the Government to have thus clearly established the necessity for the very onerous tax he intends to levy, after listening to the statements we have this evening heard from my right hon. Friend, the Member for Portsmouth. I confess it appears to me, that my right hon. Friend has shown, that much might be done towards supplying the deficiency of our revenue, without adopting what I think ought to be a last resource, and I think the right hon. Gentleman opposite (Mr. Goulburn) has signally failed in pointing out any error in the statements he had made. The House will recollect, that among the various sources whence the public income might be recruited, pointed out by my right hon. Friend, he mentioned a fixed duty upon corn. So much has lately been said upon this topic, and I had myself only a few nights ago an opportunity of so fully expressing my opinion upon it, that I had not meant now to advert to it at all; but I really cannot pass by without some observation the answer of the right hon. Gentleman opposite, the Chancellor of the Exchequer, to what I thought the very clear statement of my right hon. Friend—that if the proposed fixed duty of 8*s.* a quarter upon wheat had been adopted last year by the House, it would have produced 1,100,000*l.*, instead of only 500,000*l.*, and the revenue would have gained the difference, or 600,000*l.* Now, what was the answer of the Chancellor of the Exchequer? He told us that my right hon. Friend was quite mistaken in his argument, that either the revenue he had calculated upon from the 8*s.* duty would not have been obtained, because, had this duty been payable the large quantity of wheat entered at the 1*s.* duty would not have come in; or else, he said, if the revenue had still been obtained, it would have been a great addition to the burdens of the country. Surely when the right hon. Gentleman used this argument, he must have been inwardly laughing at the credulity of his hearers. The right hon. Baronet, a few nights ago, taunted the opponents of the Corn-law with the want of ability which has been shown upon this side of the House during the protracted debates upon that subject; but I think his right hon. Colleague has a little too much depended upon our dullness of comprehension when he ventured to use a fallacy which I think could hardly impose upon a child. No doubt, Sir, it is very true, that by raising the rate of duty upon any article of consumption you cannot in general ensure a proportional increase of revenue, because the increase of duty raises the price, and thus limits the consumption of the article upon which it is imposed. This is a principal perfectly simple and well understood, but how, let me ask, does it apply to disprove the assertion of my right hon. Friend, that a fixed duty of 8*s.* upon wheat would produce a much larger revenue than that which is received under the existing law? Would the substitution of the fixed duty during the last year have raised the price of wheat to the consumer, and thereby limited the quantity imported? I think the right hon. Gentleman himself is hardly prepared to argue that it would; certainly the opinion out of doors, amongst those best acquainted with the corn-trade, is, that if the fixed duty had been imposed last year, the effect of the change would have been not to raise but to reduce the price. I will not waste the time of the House by fighting over again battles which have been already fought, and by attempting again to show how this result would have been produced; I will content myself with saying, that it is my firm conviction, that a fixed duty even considerably higher than 8*s.* a quarter would be less burdensome to the consumer than the variable duties we are about to impose, and that therefore my right hon. Friend has rather under than over estimated the additional revenue which might be realised from this article of corn.* Thus, therefore, no very inconsiderable part of the deficiency for which the right hon. Baronet has to provide might have been met, and I would ask that class with which I am myself most closely connected—I mean the landed interest—whether, now that they know the whole plan of the Government, they have any great reaon to congratulate themselves on its adoption? Are they quite convinced that they have done wisely to insist upon retaining the "sliding-scale," when the consequence of doing so is, that it becomes necessary to impose the Income-tax? Is it not possible that when they come, at the end of the year, to cast up their accounts, and see what they have had to pay and what they have gained, they may find that the "sliding-scale" has been rather an expensive luxury? But, Sir, I am aware that the House has practically decided the question as to corn; I will not, therefore, dwell further upon it, nor should I have mentioned it but for what fell from the right hon. Gentle-

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* From a corrected report.

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* A strong confirmation of the accuracy of this statement may be drawn from what took place towards the close of last summer. Upon referring to the *Gazette* averages at this time, it will be found, that for seven weeks,—namely, from that ending the 30th of July to the 10th of September, the average price of wheat was 72*s.* 5*d.*, and even this average price, as given in the *Gazette* I have already

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shown, (see speech on the Corn-laws, p. 12), to be much below that really paid by the consumer. Now, if the importer had not had a motive to keep the foreign corn then in the country in bond until the aggregate average which governs the duty had risen to the point which allowed them to enter it for home consumption at the minimum duty, there can be no doubt that this corn would have been gradually brought into consumption at an earlier period, and would thus have kept down the prices during these seven weeks. It is impossible to ascertain with any degree of accuracy, how much the cost of wheat was thus enhanced to the consumer at this time; but that it must have been so to a very considerable amount, there is no room to doubt. It appears from a statement of the prices of Dantzic, high-mixed wheat in bond in London given by Mr. Hubbard, in the appendix to his very able pamphlet, in favour of a fixed duty, that from the middle of June till the end of July, the price of bonded wheat of this description ranged from 47*s.* to 57*s.* a quarter; it is therefore obvious, that if it could then have been entered at a duty of 8*s.* or 10*s.* a quarter, it might have been sold with advantage at a price much under the very high one, to which good wheat attained during the month of August; and if the duty payable on wheat had been a fixed one of about this amount, the importer would not only have had no motive for keeping back the stock he held, when from the state of the markets it was most wanted; but he would also have been enabled to make earlier arrangements for the importation of corn, for resorting to more distant markets, so that he would have had a larger and a cheaper supply. From these considerations, and looking also to the fact, that a great fall of prices speedily followed the liberation of the bonded corn (three weeks after the large entry which took place, when the minimum duty became payable), the *Gazette* average came down to 61*s.* 9*d.*, it may, I think, be assumed, without any risk of exceeding the truth, that for the seven weeks I have mentioned, the price of wheat must have been raised to the consumer, by the operation of the sliding-scale, at least 10*s.* a quarter. But the consumption of the United Kingdom is reckoned at 24,000,000 of quarters annually, which is equal to a weekly consumption of about 460,000 quarters. In this, however, is included the wheat used for seed (none of which, of course, would be required at the season of the year to which I am referring), and the ordinary consumption must also have been a good deal checked by the high price, it will therefore be necessary to make a large deduction from the average weekly consumption of the country in calculating that of this period. I will take this deduction at 100,000 quarters, leaving 360,000 quarters at the estimate weekly consumption, making in the seven weeks a total of 2,520,000 quarters; upon which, as I conceive, the consumer paid an enhanced price of at least 10*s.* a quarter, in consequence of the present state of the law; that is to say, a tax was virtually levied upon the country of at least 1,250,000*l.* without bringing one shilling into the Treasury. For this tax thus burdensome, but at the same time unproductive, I have contended that we ought to substitute one less burdensome, but which would produce a very considerable revenue, and it is the refusal of Parliament to take this course which has mainly contributed to render the Income-tax necessary. One more observation on the high prices of last summer: were they of any advantage to the farmers, while they were so heavy a tax upon the consumer? I believe you well know, that in general they were not; the rise took place too late to be of any service to the farmer; from the beginning of the year up to about the middle of July, the price of wheat, according to the *Gazette*, had varied from a little under 60*s.* to to about 64*s.* a quarter,—even so late as the 22d of July it was not higher than 64*s.* 11*d.*, and it was only after that time that it rapidly rose; but I need hardly observe that the number of farmers who had then any considerable quantity of wheat left to sell must have been very small, and by the time the new crop was ready for market the price had again seceded. Thus the effect of the sliding-scale was to stop the regular influx of foreign wheat when it was most wanted, and to raise the prices to an extravagant height when the farmers had nothing to sell, and then letting in the whole accumulation thus caused by damming up the regular stream to deluge the markets just as the new crop came to be disposed of.

man. The right hon. Gentleman, when he brought forward his budget, in labouring to prove that we have no other resource but that of an increase of direct taxation, told us that it was in vain to look for an increase of revenue from a mere diminution of duties. He said, that although it is true a great advantage frequently arises from the diminution of duties which have been injudiciously raised too high, still the immediate effect of such a diminution, even in the case of duties which have been extravagantly high, is almost always some loss of income, the lower duties may be proportionally more productive, but it scarcely ever happens that they are sufficiently so to prevent the positive amount of revenue received from falling off in the first instance; sometimes it is never again recovered. I freely admit, that this statement of the right hon. Baronet is perfectly correct—a reduction of mere revenue duties is not a means to which we can look for an immediate increase of the public income, but I want to know against whom is the argument directed? It has no bearing at all upon the point really at issue, and the right hon. Baronet, in taking so much pains to establish it, has only been fighting with a shadow. That for which we contended last year was something very different from the reduction of duties, however injudiciously high, which have been imposed merely for the sake of revenue. There are fiscal regulations which bring no money into the Exchequer, yet raise the price of the articles to which they apply; and it is to a modification of these regulations, of these "protections," as they are termed, that we have contended that we ought to look, in order at once to increase the revenue and to relieve the consumer. The case of sugar, which was so much debated last year, will serve to illustrate what I mean. Foreign sugar is very much cheaper than that of the produce of the British colonies, but the former is excluded from consumption in this country by a prohibitory duty, while the latter is admitted on the payment of 24*s.* a cwt. Last year, her Majesty's then Government proposed, that foreign sugar should be admitted for home consumption on the payment of a duty of 36*s.*; I will not now inquire whether this measure was a good one or not, but I will ask whether any man in his senses can doubt that it would have produced a very considerable increase of revenue. No one has denied that foreign sugar would have come largely into consumption paying a duty of 36*s.*, and that subject to that duty it would have been sold at least as cheap as British sugar. What then would have been the result? Upon every cwt. of foreign sugar the Exchequer would have received 12*s.* more than for the same quantity of British sugar, while at the same time, a larger supply of sugar being brought into our markets, the price would have been lowered; thus the effect of this measure, so far as reducing the price, and thereby increasing the consumption, would have been that of a diminution of the duty; but in respect of productiveness to the Exchequer, its effect would have been that, not of a reduction, but of an increase of the rate of duty, since taking the whole quantity imported, British and foreign together the average duty paid would have been raised. The principle is precisely the same with respect to all our protecting duties, nor can anything be clearer than that by modifying them we may improve the revenue; and I would ask, what is there in common between measures of this kind and those for the reduction of duties to which the right hon. Baronet referred, in order to prove that no increase of the public income could be thus obtained? It was very natural that the reduction of the duties upon wine, upon tobacco, upon newspaper stamps, and even upon coffee, however advisable upon other grounds, should occasion all of them for a time, and some permanently, a diminution in the revenue realised from these articles, because in these measures you did not alter at least, not materially, any previously existing "protecting" or differential duty. But there was one exception to the rule laid down by the right hon. Baronet, there was one reduction of duty amongst those he mentioned which did produce an immediate increase of revenue—and what was that? The exception was with regard to rum, and this exception proves the soundness of the distinction I have drawn. The duty upon rum is in the nature of a protecting duty, it is comparatively so much higher than the duty upon British spirits, which, to a great extent, compete with it, that it causes the latter to be consumed in its place; but by the reduction of the duty upon rum, the artificial preference given to British spirits was diminished, hence the immediate increase of the revenue in consequence of that measure, and thus even the cases mentioned by the right hon. Baronet, instead of making against the principle for which we contend, on the contrary, tend to establish it. Now, Sir, when it is a question whether we are to impose a new and most burdensome tax upon the people, I must contend that, before we proceed to do so, we ought fairly to try whether, by adopting the principle of modifying our protecting duties, it may not be possible to obviate the necessity of increased taxation. And in the first place, I am bound to say, that I think this principle ought to be applied in the case of sugar. I am not arguing that the precise measure of the late Government ought to be adopted, all I contend for is, that the principle of admitting foreign sugar to compete with that produced in our own dominions, is one which ought to be in some shape or other admitted. We have just been told that, without any such alteration, the increase upon the sugar duties has been as great as that calculated upon by my right hon. Friend, the late Chancellor of the Exchequer. I care not whether it has so or not—I care not what may have been received; whatever that amount may be, it is clear it would have been still larger if foreign sugar, paying 50 per cent. more than our own, had been allowed to come into consumption; and I take my stand upon the broad principle, that if it can be introduced into this country upon these terms, it ought to be admitted. I do not wish to debate over again the question we last year discussed, as to whether the admission of foreign sugar would encourage the slave-trade, but I cannot help saying that I believe the fallacy of the arguments put forward upon this point is now pretty generally understood, and that the country knows very well what to think of that very sensitive fear of encouraging the slave-trade, which was not felt by the great majority of those who were most active in contending for the abolition of slavery, but was most loudly proclaimed by the old advocates of slavery and of monopoly. The delusion upon this question, if it ever really existed, has now passed away; it is therefore to be regretted, that in the eagerness of party warfare, the right hon. Baronet last year selected this as a ground of attack upon the late Government, and is consequently now precluded, by a regard for consistency, from availing himself of the financial resource which an alteration of the sugar duties would have afforded, and of which I think he must wish that he could take advantage. The next point to which I should wish to call the attention of the House, is the change it is proposed to make in the duties upon coffee. The right hon. Baronet told us, that in consequence of this change, he calculated upon a loss of 170,000*l.*, but that he expected it to prove of great advantage to the consumer. I am by no means insensible to the advantage of affording to the people a cheaper supply of so important an article as coffee, and I am glad to find that, in spite of the danger of encouraging slavery, the right hon. Baronet is not afraid to facilitate the importation of foreign coffee, though I believe no very small quantity of slave-grown coffee will probably be imported from Brazil and from Cuba. But, however great the advantage of obtaining a cheap supply of coffee, I must say that I think 170,000*l.* is a large amount of revenue to sacrifice at a time when we are considering whether it may not be possible to avoid imposing so heavy a burden as the Income-tax, and we ought to recollect, that a few such items as this saved in the budget of the right hon. Baronet, would go far towards averting the necessity of that most odious impost. Keeping this in mind, I cannot approve of the manner in which the right hon. Baronet proposes to deal with the duties upon coffee. He intends (the House will recollect) to reduce the duty upon British coffee from 6*d.* to 4*d.* per lb., and that upon foreign to 8*d.*; that is to say, he intends to maintain a protection; in other words, a tax upon the people of this country in favour of the colonies of no less than 100 per cent. I cannot see the policy or the justice of this proceeding, and, in my opinion, it would have been a much wiser course to have maintained the duty on British coffee, for the present at least, at its actual amount, and to have made no other change in the law but that of admitting foreign coffee at the duty of 9*d.*, without requiring it to be shipped from a British possession within the limits of the East India Company's charter. At present the House is aware, that foreign coffee is only admitted at a duty of 9*d.* when thus brought to this country; the consequence is, that the coffee of Brazil and of Haiti is sent to the Cape of Good Hope, there landed, and then again shipped for this country. The effect of the change I have ventured to recommend would be, that the absurd waste of expense in making two voyages, and in twice shipping and unloading the cargo, would be saved, and foreign coffee brought direct from the countries where it is grown, would be admissible on the payment of a duty 50 per cent. higher than that on the produce of British possessions, the result would be, that the consumer would have a more abundant and a cheaper supply than at present, while the revenue, instead of losing 170,000*l.*, would certainly be increased, and probably in a few years to no very small amount. Perhaps it may be said, that 170,000*l.* is, after all, no such very large sum; but I repeat, it is only one item in the budget, and when we are trying to find the means of dispensing with an Income-tax, these apparently trifling matters are not unworthy of our consideration. On the article of timber, the proposal of the Government involves, as we are told, a loss of revenue of 600,000*l.*; to this again I must object, but the subject is so extensive, there are so many circumstances to which it would be necessary to advert in considering how we ought to deal with the timber duties, that, upon this point, I will merely say that the proposal which has been made seems to me to be one which would be attended with a needless and gratuitous waste of the public resources. Passing from this part of the subject, and turning to a consideration of the new tariff proposed by her Majesty's Government, I feel bound to say, that I fully occur in the opinion expressed respecting it by my right hon. Friend the Member for Portsmouth; like him, I heard with great delight the liberal sentiments expressed by the first Minister of the Crown, in his speech the other night, on the subject of commercial policy; but when I came to look through the scale of duties proposed, I could not but feel grievously disappointed. While I admit that the right hon. Baronet has promised us some valuable remissions of duties, I think hon. Members must have seen, if they have carefully examined the proposal submitted to us, that he has at the same time introduced a principal into his financial plan of the most objectionable nature. The principal to which I object is that which pervades the whole tariff, of increasing old bounties where they exist; where they do not, of creating new bounties in favour of the produce of our colonies. This is a course, as I believe, little for the advantage of the colonist, but seriously detrimental to the nation at large. I am persuaded that the soundest policy is to establish no monopoly either in favour of the mother country or of the colonies, and that we should give the latter the power of buying what they want wherever they can obtain it at the cheapest rate, while, on the other hand, they should not have the power of taxing this country, for it is obvious that the real effect of differential duties in favour of colonial produce, is to impose a tax upon the British consumer, to compel him to buy a dearer or a worse article than he could otherwise obtain. The right hon. Gentleman thinks that a very different policy is the right one, and has told the House—if I have correctly taken down his words—that the "principle of her Majesty's Government with respect to the colonies is that of giving to our fellow-subjects who inhabit those colonies the same advantages in essence though not in degree as ourselves." Now, if it were possible to establish a complete equality of taxation, and a perfect freedom of trade between the colonies and this country, like that which exists between Ireland and Great Britain, and to let the colonies share our burdens on the one hand, and have an entirely free-trade with us on the other, this would be a wise conrse to pursue. But the right hon. Gentleman is aware that this is not possible, there are physical and natural obstacles to such a course which are insurmountable; the colonies cannot be included in the same revenue system as ourselves; and as a great part of our revenue is derived from duties upon articles imported from foreign countries, which are also produced in our colonies, if we give to the latter the power of sending here these articles at lower rates of duty than are charged on the similar produce of other states, this has the effect, in the first instance, of unnecessarily taxing the people of this country and next of injuring the colonies themselves by diverting their enterprise and capital from their natural channels, and by creating great interests in trades only bolstered up by artificial means and by monopoly. Such is the policy recommended by the right hon. Gentleman. The policy which I, on the contrary, shall ever advocate, is that of dealing fairly both with this country and with the colonies, by allowing free-trade on their side, and not giving them any advantages here of the kind proposed. I am perfectly aware that the opposite system has been too long in force to expect an immediate change; under the opposite system interests have grown up, and habits have been formed which it would not be expedient at once to disturb. I never have been an advocate for sudden and violent changes, and therefore I do not call upon the House at once to sweep away all these differential and protective duties; but what I do contend for—and I think the House and the country will concur with me in believing it to be the correct policy—is this, that when we are about to deal with these duties when we are going to make changes in them, all these changes should be in the right direction, and should lead us nearer to, not further from, the adoption of sound principles. When we are dealing with differential duties, we should endeavour to mitigate and not to increase them; and when we find no differential duties in existence, we should be most cautious not to establish them. But is that the principle upon which the right hon. Gentleman has constructed his scale? No; precisely the opposite. The principle of the right hon. Gentleman is to increase protection where it now exists and to create it where it has hitherto been unknown. My right hon. Friend the Member for Portsmouth has pointed out many cases in which such new protections are to be established; some of these, for instance those given to colonial asses and Eau de Cologne, will it is true, as he has observed, have no practical effect, and they are to be condemned only because they are absurdities in legislation and because they recognise a vicious principle; but there are some of the new differential duties which will be productive of much more serious evil and will have a most injurious effect upon our revenue and upon the British consumer. By far the most important of these cases is that of tobacco, adverted to by my right hon. Friend, and I beg most particularly to call the attention of the House to the facts bearing upon the proposed change in the tobacco duties, and to the answer which has just been made by the Chancellor of the Exchequer to the argument upon this point of my right hon. Friend. At present the duty payable upon tobacco, the produce of our North American or West Indian colonies is 2*s.* 9*d.* per lb.; the tobacco of all foreign countries and of India being subject to a duty of 3*s.* The proposed change would extend to East Indian tobacco, the same advantage in the rate duty now enjoyed by the tobacco of the West Indies and of North America, the plausible ground upon which we are asked to make this change, being that we ought to do away with invidious distinctions between different parts of the British dominions. But in point of fact, the advantage now enjoyed by our colonies in America, is altogether nugatory and the whole of our supplies of tobacco are now drawn from foreign countries, and mainly, as the House is aware, from the United States; I find by the paper which the right hon. Baronet has laid upon the Table of the House, that the amount of duty received in the year 1840, upon tobacco the produce of British possessions was "none," while the duty on foreign tobacco amounted to 3,498,112*l.* Now, under these circumstances the effect of the measure proposed by the right hon. Baronet, will be for the sake of getting rid of a merely nominal inequality between the East and West Indies, to give to East Indian tobacco an advantage over American tobacco of 3*d.* per lb.; but 3*d.* per lb. is equal to the full value of tobacco, taking the average of different qualities, therefore, we shall give to East Indian tobacco an advantage equal to 100 per cent. upon the original value of the article. And what will be the consequence? Why if East Indian tobacco can be brought into this country at a cost something less than double the cost of American tobacco, our whole supply of tobacco will be drawn from India instead of from America, our trade with the United States will be greatly injured, and they will no doubt, impose retaliatory duties upon the importation of British manufactures; but this is not all, our revenue would suffer no less than our trade, without giving the slightest advantage to the consumer, or any discouragement to the smuggler, without rendering tobacco cheaper, or benefitting any one but the speculators in Indian tobacco, we should make a great reduction in the amount of duty paid upon an article which now yields a revenue of three millions and a half. Of course, I do not mean to say that this result will follow immediately from the adoption of the measure, it will necessarily take time to extend the cultivation of tobacco in India, but if, as I have said, it can be produced there so as to cost here a very little less than double as much as American tobacco, it must by degrees drive the latter out of our market, the American supply will gradually fall off and that from India will gradually increase, and in the end we shall find that the public will have to pay the same price as before, nothing will be gained by the consumer, while at the same time the Treasury will receive only 2*s*. 9*d*. instead of 3*s*. on every pound of tobacco, that is to say, we shall have made a reduction of 8 per cent. in one of our most productive sources of revenue without obtaining any one of those compensating advantages to which we usually look from a diminution of taxation. Perhaps when this result becomes apparent we may wish to retrace our steps, but if we attempt to do so we shall immediately be met with the cry of "vested interests;" we shall be told that it would be a breach of faith, that land has been brought into cultivation, and capital invested upon confidence in an act of Parliament; as usual, we shall find the interests of monopoly more powerful than those of the public, and we shall be permanently saddled with a new tax, disguised under the name of protection. And I am reminded, that while we make this wanton sacrifice of revenue for the benefit of India, with wonderful consistency, in order to maintain this very same source of revenue we have prohibited the cultivation of tobacco in this country; it is only a very few years since we most properly passed an act to put a stop to the cultivation of tobacco in Ireland, because we perceived, that if it were permitted to continue it would occasion a heavy loss to the Treasury without advantage to the consumer. But what is the answer of the right hon. Gentleman opposite to these reasons, conclusive as they seem to me against the proposal submitted to us? Why, Sir, he justifies the course he proposes to take by the example of the late Government; he says, the late Government referred to a committee of this House, the question of equalising the duties upon the East and West Indian produce, and upon the recommendation of that committee did equalise the duties upon sugar, and upon rum. No doubt they did, but are the cases in the slightest degree parallel? Is it not notorious, that the duties upon foreign sugar, and foreign rum are so nearly prohibitory, that at that time none of either were consumed in this country, our whole supply was drawn from our own possessions, so that in these cases there was a real inequality to be corrected, while there was no loss of revenue to be apprehended from doing so, and the consumer gained from the extension of the field whence a supply could be drawn. But further, does not the right hon. Gentleman perfectly well know, that the late Government was repeatedly and strongly urged to make the very concession to East Indian tobacco, which is now to be granted, and that they steadily and constantly refused for the very reasons that I have now stated. Even before I had myself ceased to have the honour of belonging to that Government, I know that such had been its decision, and it continued afterwards to adhere to the same policy. Tobacco, though by far the most important, is by no means the only article upon which the revenue would be subjected to loss by the establishment of new differential duties in favour of the colonies, the same principle is applied to the articles of tallow, cheese and butter, which together yield no inconsiderable revenue. Cheese and butter produced above 375,000*l*., in 1840. There is now no protection whatever in favour of our colonies on these articles, but the right hon. Baronet proposes, that in future produce of this description from our colonies should be reduced to half the rate of duty levied upon the same articles from foreign countries; that is to say, he proposes to establish an entirely new monopoly. The duty upon colonial tallow is now 1*s*., that upon foreign 3*s*. 2*d*. a cwt.; the net amount of duty received in 1840, upon foreign tallow, was 184,202*l*., a larger sum than we ought rashly to risk the loss of to the revenue. But it is obvious, that we cannot, without danger to the revenue, meddle with the existing rates of duty, because I find that there is now some colonial tallow imported, the sum of 81*l*. having been received under that head. Why then make so great a change as to reduce the duty upon the colonial article to 3*d*., leaving that upon the foreign tallow at its present rate of 3*s*. 2*d*., or nearly thirteen times as much. Sir, I will not proceed to multiply, as I easily might, examples of the same kind from the paper I hold in my hand; I think I have sufficiently shown, that I was right in asserting that this new tariff, of which we were led to hope so much from the speech of the right hon. Baronet, is not founded upon principles of which the House ought to approve, that it does, as I have already stated, increase many monopolies which now exist, and establish others from which we are at present free, and I must repeat, that the House cannot judge of the real importance of these changes, and of the evil which will ultimately result from them, from the effect which they are calculated immediately to produce; a trade to which you give a protection may very speedily rise into considerable importance, and when it has once done so, however serious the loss, the protection you have granted is not easily withdrawn, you should, therefore, beware how you in the first instance, nurse up trades which exist only by artificial regulations. Sir, I have stated thus at length the objections whih I feel to parts of the tariff of the right hon. Baronet, because I agree with him in thinking, that the financial measures of the Government must be considered as a whole, and because it appears to me, that by carrying farther than he has proposed the principle of relaxing the present restrictions upon trade, her Majesty's Government might raise a very large portion at least of the additional revenue which is required for the public service without any addition to the public burdens; and here I cannot help remarking, that nothing can be more incorrect than the statement of the right hon. Gentleman who spoke last, that the question on which the two sides of the House now differ is, whether we are to tax property, but at the same time to relieve commerce and industry; or whether instead of this, we are to impose taxes which would press less severely than those proposed by the Government on those ranks of society to which we ourselves belong, but would fall heavily on the ranks below us. I utterly deny this to be anything like a correct statement of the difference between us; the grounds on which I object to the policy of the Government are of a totally different character, I agree with the right hon. Baronet, that we are bound to take such measures for obtaining the necessary increase of the revenue as to avoid (as far as it is practicable) to do so, any increased pressure upon the industry of the country; but I contend, that with this view, our first step ought to be to reduce differential or protecting duties which would at once augment the public income, and tend to relieve the consumer. Until we have done what we can to increase the revenue in this manner, I think, that upon every principle of justice, and of good policy, we ought to resist the imposition of any new burdens, and more especially that of a tax in its very nature so exceedingly odious as that proposed to us. The right hon. Gentleman seemed anxious to make out that this would not be so very harsh and odious a tax as we consider it, and he told us, that after all, it would fall principally upon property, and asked whether, instead of it, we should wish to revive the house-tax, or increase the window-tax, which, he observed, would fall more severely upon persons in trade, and of moderate incomes than upon the rich. If this is a valid objection to the house or the window-tax, does it not apply with at least equal force to the Income-tax? Only consider how hardly this will operate in many cases. When, for instance, the class of officers upon half-pay having, of course, only a life income, out of which they have generally to make some provision for their families. I mention this class more particularly, because, in consequence of the situation which I formerly held, letters have been addressed to me by several officers on half-pay, pointing out the cruel effect which this tax will have upon them. I will trouble the House with but a single example; one gentleman has written to me, who, at the early age of twenty-three, was compelled to leave her Majesty's service by a severe wound received in action, by which he was entirely incapacitated for any other employment. He, of course, received a pension for his wound upon which, and his half-pay, he has since been living, these are his only income and will be lost to his family at his death. Now, the pension and half-pay together, of this officer amount to 153*l.* a-year; he, therefore, will come just within the scope of the measure of the right hon. Baronet, and I ask, whether any tax can operate more cruelly than the deduction of a heavy per centage from the scanty income of a person so situated. Sir, I perceive in the countenance of the right hon. Baronet, what is passing in his mind, he will tell us, that individual cases of hardship may easily be found under any system of taxation. This may be true; but I contend, that the Income-tax will press with great severity not merely upon a few individuals here and there, but upon whole classes, upon thousands of persons in this country. If you impose a window-tax, a house-tax, or a tax upon commodities, it may be met in cases where the pressure is greatest by retrenchment, by sacrifices which it is possible to make, but from the Income-tax there is no escape, and though the sum which will be charged upon an income of 150*l.* a-year may appear small, yet to those who, with such an income, have to preserve a decent station in society, and to provide for their families, the deduction from their means will be a very serious one. Again, we are told, taxation ought to be equal—can anything be more monstrously unequal than the tax recommended to us? The right hon. Baronet does not mean that it should extend to Ireland, because he says, that in Ireland he has not the machinery for its collection. He told us, indeed, that Irish absentees would have to pay it, but it afterwards appeared that this was only meant of Irish proprietors, resident in England, the real absentee, the Irish nobleman or gentleman who chooses to go to Rome or to Paris, will escape, for the right hon. Gentleman has no machinery that can reach him there. Well, then, what are we to think of the equality of a tax which will not be paid by an Irish nobleman of 70,000*l.* or 80,000*l.* a-year, but which will be levied upon the pittance of the half-pay officer I have mentioned? And then, Sir, we are told, that this inequality is to be redressed, that Ireland shall pay her share, and that for this purpose an additional tax is to be levied upon Irish spirits. Now, I want to know, will this affect the Irish nobleman abroad? [Lord *Stanley* here made a remark across the Table.] The noble Lord reminds me, that such a person would equally escape any tax upon consumption —no doubt he would, but the noble Lord should remember that I have not recommended a tax on consumption; I have contended, that it would be unjust to levy an Income-tax, while the revenue might be increased by altering the duties on various articles in such a manner as to relieve, not farther to burden the consumer, in point of fact, if we would take this course, either no new tax would be wanted, or at all events one to a much smaller amount, and of a less odious nature would be sufficient. And this reminds me how completely the right hon. Gentleman opposite seemed to misunderstand the argument of my right hon. Friend who stated, that 26,000,000*l.* of taxes had been remitted since the peace from which undoubted fact he inferred, that it was impossible the right hon. Baronet could be driven as a last resource to the painfully oppressive tax he now proposes. The right hon. Gentleman treated this argument as if my right hon. Friend had meant to recommend the re-imposition of any one of these taxes which have been repealed, he had (if I did not greatly misunderstand him) no such intention, he argued, (and I join with him in the argument) that, looking to the amount of taxation which has been remitted, the imports not being all upon consumption, but some of them direct taxes of an infinitely less objectionable character than that proposed by the right hon. Baronet, it is not to be believed, that if proper means were taken, the wants of the Exchequer might not be supplied without having recourse to a tax which except in time of war, or as a last resource, in a great exigency, is in the highest degree objectionable. In my opinion, the course proposed to us is unjust and unnecessary. If we began by first altering the present protecting duties, we might find it unnecessary to impose any new burden upon the people; but at all events, there can be no doubt that the amount we should require to raise would be much smaller, and that the new burden, whatever it might be, would be much more easily borne, when the people had been relieved by the removal of restrictions. But there is another, and a still stronger reason which will induce me to refuse my consent, not only to so odious a tax as that upon income, but to any tax, until the course of endeavouring to recruit the revenue by the reduction of protecting duties has been first fully tried. I believe, the adoption of a much more liberal commercial policy to be essential to the welfare of the nation, but we know, from long experience, that the various protected interests are so powerful in this House, so much more powerful than the public interest, that except in a time of financial difficulty I have little expectation of ever obtaining the reforms which are so much wanted. Those who are in favour of these reforms, ought, therefore, to avail themselves of the present position of affairs, we ought now to say, we will grant no new taxes, impose no new burdens upon the people, till we have obtained such a modification of the present protecting duties, as we have a right to expect. By taking this course, I believe, that though we may not succeed now, we shall do so at no very distant time, for though the right hon. Baronet will now have a large majority in favour of his Income-tax, its vexatious and oppressive character, will not have been long practically felt by the country before the disposition to get rid of it, becomes universal, and if he endeavours to maintain it, he will, like the Minister of 1816, see even his truest Friends go out into the lobby against him, upon a proposition to abolish it. And, I think, that this consideration of the certain unpopularity and difficulty of maintaining the tax is one which we ought not to lose sight of, when we are called upon to trust so largely to it, for the maintenance of the public credit, and upon the faith of its continuance to adopt a tariff, creating new protections in favour of the colonies which must, in a few years, be attended with a great loss to the revenue. What will be our situation if, in a few years, when this loss is felt, but we find it difficult, (as I have argued that we should) to recall the steps by which it has been occasioned; if then the oppressive nature of the Income-tax should make the country refuse to submit to its continuance? How much embarrassment might such a state of things occasion, and how much danger to the credit of the country? I feel that I have detained the House too long; I will, therefore, passing by some points to which I could have wished to advert, conclude by repeating, that in voting against the Income-tax, I do not mean to vote against the adoption of any measure, however severe, and however onerous, which can be shown to be really necessary for maintaining the honour, the solvency and the credit of the country; let the right hon. Gentleman opposite show the necessity, and I shall be ready to vote even for the Income-tax; but I cannot reconcile it to my sense of duty to my constituents, and to the distressed people of this country, to lay on them such an impost, unless, at the same time, we adopt all the measures in our power for rendering our present taxes more productive, and less oppressive to the people. When this has been done, the proper time will be come for demanding additional taxes, if they should still be wanted, and I shall then be prepared to vote for such as shall be necessary—really necessary for raising a revenue fully adequate to the public wants.

Lord *John Russell* wished to say a few words before the House went into committee, and as he agreed in all that had been said by his noble Friend, and his right hon. Friend who had preceded his noble Friend, he would not long detain the House, the more especially as he considered that the right hon. the Chancellor of the Exchequer had, in fact, given no reply to their arguments. He had considered very much since the right hon. Baronet's speech on Friday last, the arguments that could be adduced in favour of the course then proposed by him, and the result at which he had arrived was the same as had been so ably stated by his noble Friend who had just sat down. In the first place it was their duty to do away with those restrictions which pressed most onerously upon the country. In that respect he found a very great omission in the plan of the right hon. Baronet. With respect to sugar, they were going to raise up a new monopoly, or worse. In 1831 the West Indies furnished more than sufficient for the consumption of this country; now these colonies were unable to send enough. The remaining produce necessary for our supply was to be brought from the East Indies, and thereby every year increasing the capital invested there in the production of sugar. It was, therefore, a very great omission, if they pretended to proceed upon the principle of an advance in commercial freedom, to except sugar from the operation of the rule they applied to other articles. They proposed on some a great reduction of duty changing in some cases from prohibitory duties to 5 or 10 per cent.; but they were wholly inconsistent with themselves in their plan with respect to corn, upon which at the price of 50*s*., they imposed a duty of 20*s*. Therefore, in commercial matters, to sugar and corn, represented as they were by great interests, defended by men of large property and weight, by rich merchants and great planters, they did not dare to apply their own principle, the principle which they themselves acknowledged to be the true principle of commerce. Last year they said, that the late Government brought forward their measures on account of political necessity — the cry served its purpose, but in the present year when they were backed by a large majority, they who were last year looking with so patriotic a view to the interests of the country, now acknowledged the principles they formerly repudiated. But with respect to the two great articles of sugar and corn, they did not dare to carry them out. As had been said by his right hon. Friends, they were creating new colonial interests, they were giving new advantages and creating new restrictions, in favour of our colonial interests, but were they not at the same time sowing the seeds of great embarrassment in regard to our relations with foreign countries, encouraging them to adopt the same protective system against ourselves, and so deranging the commerce and industry of this country. They ought to recollect at all times that unless they had very strong reasons — unless they wished to collect revenue, or were bound to a great body of men who were existing by some particular class of industry, every legislation on the subject was mere evil and mischief; and therefore in mere wantonness to create a number of protective duties was the most mischievous course that could possibly be taken. Such being the course proposed to be taken with regard to the colonial commercial policy, he had next to consider what was next to be done with regard to taxation. The right hon. Baronet had said there was an enormous deficiency to provide for. Now, his right hon. Friend (Mr. Baring) had shown if the policy of the last year had been adopted, that deficiency would not have been so great. Other reasons than those connected with slavery might have prevented them from adopting that policy, but it was clear that as a financial plan, had it been adopted, 1,800,000*l.* would have been secured to the revenue, and the deficiency, in place of 2,500,000*l*, would not have been more than from 600,000*l.* to 700,000*l.* The deficiency then, was so enormous, as the right hon. Baronet called it, because the party opposite had refused what he and those with whom he acted were of opinion would tend to remedy the then state of things. But, as matters stood at the present moment, he would not say that he would absolutely refuse such measures of taxation as would make it certain that next year the revenue might be made not only equal, but above the expenditure. He would not go into details or enter into the question of how the financial difficulties had arisen in former years, but in 1840 his right hon. Friend had proposed measures of taxation, with the view of making the income equal, or nearly so, to the expenditure. In 1841, likewise, they proposed measures which, they conceived, would make the revenue equal to the expenditure; therefore, in principle he was willing to admit that, in 1842, they ought to make some exertions for that purpose. Considering the state of matters in India and in China, which made increased expense necessary, a greater exertion in the way of taxation must be necessarily required; but he could not conceive even after making that admission, that the inadequacy was such, that the deficiency was so great, as rendered it necessary to revert to an Income-tax. It was generally admitted that it was a tax only to be resorted to in a very great emergency; admitting that it did not matter whether the emergency arose from war or from preparations rendered necessary by the state of things, still the emergency must be great. And with respect to objections to an Income-tax, he had high authority on his side, and that was no less than the right hon. Baronet and the Chancellor of the Exchequer. In 1840, when his right hon. Friend (Mr. Baring) proposed the addition of 5 per cent. upon the Customs and Excise, and 10 per cent. upon the assessed taxes, the right hon. Baronet said he thought the proposition was the best that could be proposed; when there was what he then called a small deficiency of under 2½ millions, it was better to resort to a general tax upon consumption than to an Income-tax, which was not advisable. On another occasion, when one of the Members for Birmingham brought forward the proposition for a tax upon property and income, the right hon. Baronet said nothing, but the right hon. the Chancellor of the Exchequer stated his opinion freely to be, that it was more advisable to lay a tax upon capital in a diffused state, than upon capital and income in its sources. He did not mean for a moment to say that the right hon. Gentleman had not a right and were perfectly justified in coming to the conclusion that an Income-tax was necessary; he was only showing that even they formerly were of opinion that only great necessity could justify it. He objected to the Income-tax, because he thought a deficiency of 2,500,000*l.* could be very easily supplied—first, by relaxing the restrictive system of protection; and secondly, by additional taxation in another shape, in order to make up the sum required. Even if they were to recur to some of the assessed taxes which had been repealed—for instance, the Earl of Ripon took off two millions of taxation in 1823; he removed the taxes on four-wheeled carriages and riding horses, which might have been re-imposed. The evil of a tax such as the Income-tax was not confined to the sum drawn from the community; the great objection to it was that which was universally felt and stated, and that was a better argument against it than the most refined that could be used in that House, viz., its inquisitorial character. That character belonging to it had this evil effect, it obliged the needy tradesman, or the person deriving a small income from a profession, to reveal all the sources of his income, and they were made public to all the community and his enemies; or again, it was equally noxious, if not more so, because it induced a man who wished to conceal the state of his affairs to attempt by evasion to avoid the tax, and therefore induced a great part of the community to depart from that truth and sincerity which was so necessary for the happiness of a people. Then with respect to the tax upon consumption or the assessed taxes, they were known—the tax-collector called for a specified sum, and they were not open to the same objection. But the strongest objection of all was, that it had always been considered everywhere as a tax to be resorted to only as a last resource. His right hon. Friend (Mr. Baring) had told them that 36,000,000*l.* had been taken off since the peace. Now that was not known in foreign countries; the feeling there must be, that they were reduced to the imposition of a tax which was alone resorted to in extremities—when there was a mutiny at the Nore—when the country was in arms against all Europe—when Napoleon was in the zenith of his power—when they were obliged to strain every nerve for the safety of the country. What must they think of the condition of England, if it would suffer, after many years of peace, the imposition of a tax, which had always been essentially a war-tax—a tax which the people would not tolerate after the very first year of peace. The imposition of such a tax would produce a conviction that they had no other resources, that they were obliged to resort to a tax as if the nation was making a struggle for existence, and therefore that the country would be found unprepared for a war. For those reasons he should consider it his duty to vote against the resolution of the right hon. Baronet. If the right hon. Baronet should make changes and modifications in the plan, of course he would consider them, for he would not consider it fair not to look at the whole plan; but he must say that there were some classes who should go free, and to whom the tax should not be applied. He thought Mr. Pitt was perfectly justified in making no distinction, because at that time the nation was engaged in a struggle for its very existence. There were many to whom, under other circumstances, he acknowledged the tax should not apply, but as the nation was engaged in a most arduous and perilous struggle, he said wherever he found income he took the tax. But if they imposed the tax during peace, they required to give far stronger reasons why it was considered preferable to all other taxes which had been projected. If an Income-tax was the best, it was fair it should be made equal, all circumstances being taken into consideration. The right hon. the Chancellor of the Exchequer said he would not agree to any tax upon consumption, or to the re-imposition of the window-tax, because they might press upon the condition of the poor. If the right hon. Gentleman was so careful of the interests of the poor, and wished to better their condition, when they next went into committee on the Corn Importation Act, let them have their food cheaper than a duty of 20*s.* upon the price of 50*s.* would allow. As he had before stated, he would give his vote in committee in opposition to the proposition of the right hon. Baronet. If that proposition should be carried in committee, and should hereafter come back to the House upon the report, he would then propose resolutions, and take the sense of the House upon them, in order to place upon record his sense of the nature of the financial situation in which the country was now placed, and his opinion that it was not necessary to have recourse to this very odious, and—if unnecessary—most unjust tax.

House in committee of Ways and Means.

Sir *R. Peel* said, I can assure the noble Lord, that the notice he has given of his intention to offer a determined opposition to my proposal has not in the slightest degree disappointed or disconcerted me. Notwithstanding the silence of the other night—notwithstanding the calmness with which my proposition was received—notwithstanding the declaration that my proposal should be considered as a whole, I felt that in the attempt to meet the difficulties in which this country had been involved by the financial administration of the late Government, I felt that whatever efforts I might make, whether by the continuance of loans, whether by the imposition of taxes upon the income and property of the country, whether by burdens upon the working classes by means of taxes on articles of consumption, I had not undertaken an easy task; but I was confident that my chief opponents would be those who had involved the country in difficulties. But you (speaking to the Opposition), shall not divert the attention of the country from the real point at issue. This is no question of *Eau de Cologne;* this is no question of colonial asses. Never did I see the right hon. Gentleman (Mr. F. Baring) so much excited as he was upon that subject. The right hon. Gentleman never felt half the indignation at the financial difficulties of the country that he exhibited at the imposition of a differential duty upon colonial asses as compared to foreign asses. He contemplated with the calmness of a philosopher, year by year, an increasing deficiency in the public finances; but to propose a differential duty of 3*d*. upon a colonial ass excited the right hon. Gentleman to a pitch of indignation. But the question to be considered is this—the financial administration of the country and of India having been, for five or six years, in the hands of hon. Gentlemen opposite, in what position is the country placed? The time has arrived (again speaking to the Opposition) when your tampering with saving-banks, and with 5 per cent. upon Customs duties, must be abandoned, and some decided and vigorous effort must be made to equalize the income and expenditure of the country. You say that you will submit to future and onerous taxation when you are convinced of its necessity, in order to produce that equalization. Well, upon the actual expenditure you will be called to make in the course of this year, there is a deficit of 3,000,000*l*. It has become necessary, since I last addressed the House on this subject, to send additional reinforcements to India in consequence of the policy you have pursued with regard to that country; and it will be my duty, in order to adopt the measures which are requisite for vindicating the honour of the British arms, to propose to Parliament increased military estimates, in addition to those which I have already submitted. The actual deficit is 2,570,000*l*. The right hon. Gentleman (Mr. F. Baring) has seemed delighted at an error he supposed he had discovered in my estimate. The right hon. Gentleman said he had been fishing, and that he had fished with great success, and he informed me that he was about to offer me a large sum of which I was not aware. The right hon. Gentleman said I had calculated an actual deficiency of 2,569,000*l*., while he had discovered that it would only amount to 2,469,000*l*., making a difference of 100,000*l*.; and he taunted me with my arithmetical inaccuracy in exhibiting such a blunder in my calculations. This sum of 100,000*l*. I thought it necessary to provide, though I could not enter much into detail on the subject, to meet any deficiency which might arise on special emergency. But I must deprive myself of the consolation which the right hon. Fisherman has offered me, for I will venture to say, that the result will be, that I shall have an actual deficiency to provide for to the amount of 3,000,000*l*. I presume that a provident man, in calculating his expenditure for the year, will take into account, not merely the actual payments for which he has to provide, but any special expenses he may be called upon to meet. I said, therefore, that I calculated the cost of the expedition to China—which, in pursuance of the policy of the late Government, we have undertaken to carry on, I trust, even with additional vigour—I calculated the cost of that expedition, for the year ending April, 1843, would be at the very least 1,300,000*l*. I proposed merely to include in the estimates a vote of 500,000*l*., because I thought it might only be necessary to provide for the actual payment of that amount in the course of the present year; but 800,000*l*. of expenditure is thus left unprovided for, and add that sum, supposing the actual deficit should amount not to 2,570,000*l.*, but to 3,000,000*l.* in the course of the year, to the amount which must be demanded for the service of the ensuing year, and you bring up the clear net deficiency to 3,800,000*l.* I think that estimate will not be questioned. How, then, is this deficiency to be supplied? All appear to concur in opinion that it ought to be provided for by an addition to the revenue of the country. Sir, I wish in the face of that deficiency to incur a further deficiency. I wish, for the sake of public policy, for the sake of removing burdens which press upon the springs of manufacturing industry and commercial enterprise, to add to the existing deficiency. If it be politic to abolish altogether prohibitions—if it be politic to reduce prohibitory duties—if it be politic to mitigate the duties upon certain articles of consumption, and upon certain raw materials which enter into every commercial enterprise—I allude to such articles as timber—and if that policy be approved of and adopted, a fresh addition must be made to the deficit of the year of from 1,000,000*l.* to 1,200,000*l.*, leaving, therefore, a total deficiency of revenue, as compared with expenditure, for the ensuing year, of not less than 4,800,000*l.* I explained to the House, on a former occasion, the mode in which I propose to meet this deficiency. I propose to levy a tax upon the income of the country—upon the income of persons, all of whom I cannot call rich, but the greater number of whom are in comparatively easy circumstances, and this tax upon the property and income of the country will produce the sum of about 3,700,000*l.* If my facts be admitted as to the extent of the deficiency—if the policy of removing prohibitions, of mitigating prohibitory duties, and of reducing the amount of duty upon certain great articles of commerce, be allowed, the deficiency thus produced must be met in some manner; and the question at issue between the noble Lord (Lord J. Russell) and myself—the question which will decide the financial policy as it will decide the fate of the Government—is whether my advice, or that of the noble Lord shall be taken—whether I shall be permitted to make this attempt to relieve the country from embarrassment, or whether the financial affairs of the nation shall be restored to the hands of those who are responsible for the difficulties by which we are surrounded. How does the noble Lord (Lord J. Russell) propose to raise this deficiency of 4,800,000*l.*? He says, that if I had proposed any other tax, I should have had his cordial support. Does the tax upon coals afford me any striking indication of that cordial acquiescence, when the noble Lord has stated, that I may not only expect his determined opposition to the Income-tax, but also to the tax upon coals? The right hon. Gentleman opposite, (Mr. F. Baring) has questioned the policy of increasing the tax on spirits, and has said, that he entertains opinions most adverse to such a measure. How I shall fare with regard to the stamp duties in Ireland I know not; but I see a right hon. Gentleman (Mr. Sheil) preparing for opposition to that branch of my proposal. [Mr. *Sheil:* I said nothing.] It is some consolation to know that the right hon. Gentleman does not threaten me with opposition; but I do not think, from the indications I have perceived, that I have a right to entertain very sanguine anticipations, that if, instead of resorting to a tax on the income of the country, I had revived the tax upon leather, or salt, or any of the articles from which duties have been removed, I should have received very cordial support from hon. Gentlemen opposite. The noble Lord, (Lord J. Russell) has intimated, that he will submit resolutions to the House in opposition to my measure. Those resolutions will, of course, involve the consideration of the Corn-laws and of the sugar duties. The noble Lord will again propose his fixed duty on corn, as a means of raising the public revenue; and it will be for the House to determine whether they will adopt the principle of the property-tax, or impose a fixed duty of 8*s.*, or a lower amount, upon corn, in order to improve the finances of the country. Those right hon. Gentlemen who are political supporters of the noble Lord, and who tell me, that by the scale of duties I propose, I am ruining Irish agriculture, and destroying the hopes of the growth of oats in Ireland, will have to decide whether they prefer the noble Lord's scheme to that which I contemplate, for the noble Lord proposes to reduce the protective duty upon Irish produce, below that which it now enjoys, anticipating a supply of revenue from a fixed duty on corn. With respect to sugar, I admit that it is a subject perfectly open to consideration. The noble Lord will be acting in consistency with the opinions he has before expressed, if he proposes a reduction of the duty on foreign sugar, in the hope that a revenue may be derived from that source. What other suggestions the noble Lord may make for improving the revenue of the country I cannot conceive. I am not a little surprised at the course which has been pursued with respect to the reduction I propose to make in the timber duties. I certainly thought it was a prevailing opinion on the opposite side of the House, that there was no more onerous impost than that upon foreign timber. It has been argued that the result of that impost is not merely to diminish the supplies from the countries on the shores of the Baltic—not merely to prevent us from availing ourselves of an extensive market for a considerable portion of our manufactures, but it has also been contended, I believe, that the operation of the tax is to give a preference to inferior timber, as compared with good, and to lead to the purchase of a comparatively bad article at a high price. The proposal I make is to attach a nominal duty to Canadian timber, and to make as great a reduction in the duties on foreign timber imported into this country as is consistent with a just protection to the produce of our own dominions. The loss of revenue, I have no doubt, will be considerable; but I reconcile myself to that loss from the conviction that when you deal with articles of extensive consumption, or the raw materials of manufacture, it is on the whole good policy to make such a reduction as will insure to the consumer the full benefit of that reduction. I have read treatises on this subject edited by hon. Gentlemen attached to the principles of the noble Lord opposite (Lord J. Russell), who have held office in connexion with the party by which the noble Lord is supported, and who have always been considered high authorities in reference to financial and commercial matters. I certainly think that the publications of Sir Henry Parnell are, on many points, entitled to considerable weight; but I have frequently heard them appealed to on the other side of the House as almost conclusive declarations in matters of commercial policy. That hon. Baronet has expressed this opinion with respect to the duty on timber:—

> "The duty on timber affects and injures industry in a great variety of ways, in consequence of its being so much used in buildings, ships, machinery, &c."

He then goes on to say,

> "That countries possessing forests in the vicinity of navigable rivers have great advantages over others not so circumstanced, and by laying a duty on timber you still further increase those advantages. It would appear as if it were an indispensable preliminary to a continued successful competition with foreign shipbuilders that you should admit foreign timber free of all duty."

"That, however, (he adds), might be too great a sacrifice of revenue;" and he goes on to state that the particular measure he proposed was this:—that in place of the present duty, it should be reduced to 1*l.* 10*s.* per load; and that, thereby he calculated the revenue would be considerably increased, because then nearly the whole of the foreign timber consumed would pay a duty of 1*l.* 10*s.*, instead of a small portion paying 2*l.* 15*s.*, and the remainder only 10*s.* His proposal was to impose a duty of 30*s.* on foreign timber, and of 10*s.* on that from our colonies; and the duty I propose from 5th April, 1843, is 25*s.* on foreign timber, 30*s.* on deals, and on colonial timber only a nominal duty. [Mr. *Labouchere:* That proposition was made when the revenue was abundant.] Perhaps the right hon. Gentleman would wish me to impose an additional duty on foreign timber. Why, that was the policy of the late Government; but I leave the House to judge which is the wisest policy—if you can afford it, to encourage the importation of foreign and Canadian timber at the duties I recommend, or to lay a duty of 50*s.* on foreign timber, and of 20*s.* on Canadian timber. If Sir Henry Parnell be right, I cannot help thinking that, if your object be to relieve the pressure upon the springs of industry—upon the ship-builder, the landowner, the builder of manufactories, or the builder of cottages and houses of every description—it is hardly possible for you to make a reduction of duty upon any article of consumption which will give such great and general assistance as the duty on timber, the facility in the importation of which will be so extensively increased. If you can do this without injustice to the colonial timber merchant, you will have accomplished a most important benefit. With respect to coffee, also, I am surprised at the comments made on the other side on my proposed reduction of duty. I thought, after the evidence taken before the import duties committee, showing the gradual increase of consumption—after the testimony given by coffee-house keepers in London, as to the immense importance which the labouring classes attach to the cheapness of coffee—I did not expect to hear from the noble Lord a doubt as to the policy of sacrificing revenue for the sake of increasing consumption. For this purpose, in addition to the deficiency caused by expenditure, I am willing to incur the risk of further deficiency by a remission of duty, making, as I before stated, the total deficiency to be supplied amount to 4,300,000*l.* I do not deny the objections that exist to a tax upon income: I expected to hear it said, that it is a novel proposition in time of peace; but let me ask, is there any man who can be deceived by such plausible but fallacious observations. It is public necessity which justifies the tax, whether imposed in time of peace or of war. In time of peace, too! To call this a time of peace. Because you have not the cannon actually booming in your ears, you wisely arrive at the conclusion that we are living in a time of peace. Elevate your vision until it can embrace your Indian territory; look at the war you have been carrying on on the western bank of the Indus. I say nothing of the policy of the course you have pursued there, but can a country engaged in such a war flatter itself that it is at peace? Look again at your Syrian expedition of last year, and concurrently with that the costly hostilities carried on in China. Have you been, and are you now, in that state of profound tranquillity which entitles you to call it peace? Mark, then, all these sources of expenditure, and tell me if you are not in a condition which excepts the present from the ordinary case, and justifies a resort to the Income-tax, and to the objections and inconveniences to which I know it is liable? The noble Lord says,—

> "Do not impose the Income-tax, because you will show foreign nations that the resources of this country are exhausted."

I say, never mind what may be the impression upon foreign countries. Do that which you believe to be just—that which you think consistent with sound policy—and let foreign nations think what they will. If in a time of peace—a time of European peace—you have a large deficiency to supply, and consider it more just that the affluent classes shall supply it, rather than pressing upon the poor by taxing articles of consumption, adopt that course, and do not be afraid of what foreign countries may think of your resources. If foreign countries misapprehend and mistake—if they print paragraphs in newspapers to show that England is in a condition of financial embarrassment—what difference can that make in your real situation? The time will come when they will discover their error; and in the meanwhile act no unworthy as well as unwise part, but disregard all such consequences as what others may for the moment think of your condition and resources. If you do what is just, and so far what is politic, depend upon it, after mists have cleared away, perhaps, in a little week, foreign countries will arrive at a more fair conclusion, and if their opinion be of so much importance, they will then admire you for making exertions corresponding with the necessity of the occasion. In order to prevent erroneous notions on their part, will you consent to pursue a course which you know to be neither just nor politic? With such a deficiency as I have pointed out, is it better then to call upon the income of the country to supply it, or to tax articles of general consumption? There is no alternative. In order to raise four millions of revenue, does any man think there is any alternative? You want four millions for the service of the present year, but to try experiments on the commercial tariff of the country will not furnish the money, and does any man mean to tell me that there is any middle course between imposing a tax upon property and laying taxes upon articles of consumption? Certainly you may say, I will resort to a house-tax; but I can only say that Mr. Pitt adopted that course in 1797, and found the burden so great, and the evasions such, that in the next year he resorted to a property-tax. Mr. Pitt, wishing to affect the property of the country, produced a plan by which the assessed taxes paid at a preceding period should be considered the test of property. He tried to obtain a 10 per cent. Income-tax by that criterion; but he was obliged to abandon it, and my belief is, that a house-tax would be much more unjust in its operation than an Income-tax. The objection to the Income-tax is, that it is inquisitorial. I do not deny the objection; but, apart from that, I feel it to be one of the best taxes that can be imposed. 3 per cent. in the present condition of the country is absolutely necesssary to procure the supply, and I make the proposition from a firm conviction that it will be infinitely less onerous and more just than any other tax. Moreover, I have the strongest persuasion that if my general proposal be received by the House, the actual sum each man will contribute will be exceedingly small. If my whole plan be adopted there will be a diminution in the cost of living which will repay to the contributors of the Income-tax a large portion of the money they are called upon to advance. Take the case of a man of 5,000*l.* a year: he will contribute 150*l.*, and it is my fixed belief that he will receive back in cheapness of living the greater part of the sum he pays. My settled opinion is, that the burden will be less than that arising from any other tax we could devise. The noble Viscount (Viscount Howick) states the case of a man who has only 153*l.* per annum; but, wherever you draw the line, there must be some hardship; and I will venture to say, that it is impossible to propose a tax which will not be liable to an objection of that kind. But even in the case of a man of 150*l.* or 200*l.* a year, I entertain the most confident hope that the reduced cost of articles of consumption will enable him to pay the tax without inconvenience. Suppose the noble Viscount were to take a window-tax instead, there must be an exemption of houses under a certain number of windows: seven windows might have to pay, and six windows be free from the impost; but still a line must be drawn, and, where it is drawn, there will of necessity be hardship; the rule must, to a certain extent, be arbitrary and inconsistent with the strict principles of reasoning. I do trust, however, that this tax will not be condemned upon individual cases of hardship, but that the House will rather attend to general results, and fairly consider whether any other tax, equally just, can be found which will be equally effectual in raising the required supply for the public exigency. I said, on a former day, that I would avail myself of the earliest opportunity of giving a full explanation of the machinery for the collection of the tax, and I assure the right hon. Gentleman, that when I refused to answer the question he put to me the other day, it was from a strong impression, that I could not, in answering a question, give a full and satisfactory explanation. I thought it would be infinitely better to reserve myself to a time when I could go into all the details. The period since the Income-tax was imposed is considerable; I know, that I speak to many who are aware from practical experience, or from being conversant with financial subjects, of the principles applied to the collection of the tax; but, in order to make the matter intelligible to those who may not be so well acquainted with it, I must necessarily refer to some points well known to such as have made the subject their study. I shall now propose to adopt for the purpose of the collection of this tax, the machinery, speaking generally, applied by that act brought in by Lord Lansdowne, then Lord Henry Petty, in the year 1806, under the Administration of Lord Grenville and Lord Grey; and a reference to that act will show any hon. Gentleman, who may wish to ascertain it with precision, the general mode which I propose to adopt for the collection of this tax. The property tax was collected and assessed by that act, and it will be collected and assessed now under the general regulation applicable to the collection and raising of the assessed taxes, and the land-tax. There are in each county in England, certain persons known by the name of the commissioners of land-tax. Those commissioners of the land-tax will be empowered, and required to appoint, speaking generally, from their own body, but they will not be limited in the selection to themselves, certain commissioners, to be called commissioners for general purposes. Those commissioners for general purposes will have to select others, to be called additional commissioners. Those additional commissioners were not limited in the act, but generally two were appointed, and those two had the charge of the assessment on property. I need not enter into the mode in which Bank stock, East-India stock, and stock in other public companies will be assessed, but I may say, generally, that I shall adhere to the provisions of the old law. As far as the interference of the Government is concerned, the duty will be placed under the general superintendence of the office of Stamps and Taxes, and their officers, as far as they are available in all the duties connected with the mode in which the tax is to be levied. The local commissioners will appoint assessors who will deliver, at a certain time, blank forms, within the districts for which they act, with minute instructions how they are to be filled up. Every person will have to make an accurate return of the property derived from land, from the rents of houses, and from other property included in schedule A. With respect to the profits derived from trade, the provisions of the act of 1806, I propose to retain, and the income will be returned on an average of the three years preceding; but, of course, it will be necessary to make special provision for those instances in which the trade shall not have been carried on for three years, which I need not now detail. The general principle will be to estimate the profits on an average of the three years. With respect to the income derived from professions, they are to be calculated upon the profit of the preceding year. I really, Sir, believe, that the chief difficulty will arise from the income in schedule D, the income derived from trades and professions. I believe it is with respect to that income, the inquisitorial power is mainly objected to. With respect to incomes derived from the public funds, there will be no necessity for this inquisition, the amount is easily ascertained, and few who have this property, will deprecate the mode of ascertaining it. Under an act, too, recently passed, I refer to Mr. Poulett Scrope's Act, the valuation of land is tolerably well known. It will, then, be generally conceded, that the chief force of the objection as to the inquisitorial nature of the assessment, will apply to income derived from trade, and to professional income. I, then, propose, that the return shall be sent to the assistant-commissioners, and that it should be accessible to the surveyor, acting on the part of the Government. With respect to the additional commissioners, there will be various regulations, and they will be sworn to secrecy. The return is to be sent to them sealed up, it is to be inspected by them, and it will be competent for them, or for the surveyor acting on the part of the Government, to make a surcharge on that assessment. Then, as the law stood in the year 1806, an appeal against the surcharge could be be made to the head of the general body of commissioners, called the commissioners for general purposes. They will hear the appeal, and have the power of demanding precise information as to the nature of the property. I hope, that I shall be able to retain that provision, because the policy of the law hitherto has been with respect to the assessed taxes, and it was the principle with respect to the property-tax, not to make the collection depend upon the will of the Government, because it was thought more consistent with constitutional law, to entrust the amount to local parties, and that those who may have the confidence of their neighbours shall be employed for this purpose. I propose, Sir, to leave the provision of the law in this respect untouched. Although, however, it is more consistent with former usage to employ local parties in each neighbourhood to collect the tax, yet a great objection has been raised to their sitting in appeal on the affairs of their immediate neighbours. It has been peculiarly objected that it is inexpedient to produce before their neighbours, or those who might stand towards themselves in the relation of friends or of personal or political enemies, these accounts, and divulging to them their true state. I propose, therefore, to appoint other persons, and to give an option to the parties. I propose that the Tax-office should appoint a certain number of persons to be named special commissioners, and I propose that these special commissioners shall have all the powers of hearing appeals which the commissioners for general purposes possessed under the act of 1806. I propose that the party shall have full power of going before the committee of general purposes if they so pleased, but if they preferred it the appeal might be heard by the special commissioners under the control of the Government, and appointed by the Tax-office, which commissioners will be sworn to secrecy. I propose, then, that, at the option of the party, the appeal may be heard by these special commissioners. The decision that these special commissioners may come to will of course be final. It has not appeared to me necessary to extend this option beyond those who make returns from property included in schedule D. When, Sir, I am stating this, of course I reserve to myself the right to alter it. There is, I fear, a disposition to blame the Government if they make any alteration in the proposals they submit to the House. I trust that with respect to minute matters, after seeing a variety of persons, the House will not make it a subject of reflection, if, having a great subject to deal with, I may alter the details; I am sure that in matters of principle there will be little for me to alter, but in matters of detail I reserve to myself the right of making use of any information I may receive, in order to form a satisfactory arrangement upon this subject, and full power of making any alteration which I may be satisfied is consistent with public policy. Then, Sir, I hope to be able to include in the new act some provisions which are not in the old act of 1806; I hope to be enabled, with respect to parties who have been once in the returns, whether in respect to the income from trades on an average of three years, or to the profits of professions for one year, to make an arrangement by which they may be able to compound for their assessment. I am sure that every endeavour ought to be made to guard against evasion, since one great objection to the Income-tax is, that it will fall with peculiar severity upon those who are determined to act honestly. We ought to endeavour, if we can, to avoid entailing peculiar severity on any one, if this act and if this Income tax is to pass; we ought to give every advantage to the honest man, and to use every prevention against fraud or evasion. I hope to be enabled to introduce some provision which will make one return endure for the whole time of the act. I do not say that in all cases it ought to be obligatory on the office of stamps and taxes to admit a composition; but when they believe that the person as assessed is properly taxed, I think, with the addition of some such addition as the *5l.* per cent. on the assessed taxes, we can, by some mode or other, make some easy provision to enable the tax to be payable once for all. In making this statement, I do not bind myself to all the special provisions. I think that we may have recourse to some things which may be a great improvement, without acting with any undue severity. The House, therefore, will see that these are two main provisions in this act which are not in the other. In the first place, if the appeal to the local commissioners shall be objected to, as leading to a disclosure of private affairs, I propose to give as an option of which the party may avail himself, to go before the special commissioners appointed by the Government, sworn to secrecy, who may hear all parties, and determine the appeal. And in the second place I propose, if possible, that facilities shall be given for compounding for the payment of the tax, that composition to endure for the whole period of three years. I believe, Sir, that I have now answered the question put to me by the right hon. Gentleman. I do not apprehend that the present establishment of the stamps and taxes will be sufficient for the additional duties I impose on them. All I say is, that every effort shall be made, in the appointment of additional officers, that their general character shall be a sufficient guarantee for the integrity with which they shall perform their duties, and every endeavour shall be made to prevent a permanent increase or encumbrance upon the country of officers, who I trust will be employed for a merely temporary purpose. There is only one other provision proposed by me on which I wish to touch. It was included in one of the acts relating to the property-tax, I think the act of 1806. Many persons did object to payment to the collectors of the sums due from them on account of the property tax; it was said that although there was no inquiry as to the property, it was still painful to some that a person in the immediate neighbourhood should be privy to the payment, from which they might infer the return that had been made of the amount of the property. I propose that a party wishing to make a payment may do so without giving his name into the Bank of England on account of the property-tax. That was a provision in the act of Lord Grenville, and I might refer to that. I hope that as the branches of the Bank of England have become numerous, that as the ramifications of the Bank of England become more extended in different parts of the country, parties may have the advantage of making these payments with infinitely greater ease than if the place of payment was confined to the principal office of the Bank of England in London. A question, Sir, was put to me respecting terminable annuities, and I was asked whether I proposed any reduction in the rate of duty on terminable annuities as compared with incomes derived from stock. Now, I am bound to say, that I do not intend to make any such reduction. The proposal which I make is a proposal for a tax on the income of this country; and if I once begin to make a distinction with respect to different kinds of income, it will be absolutely necessary that I should abandon the Income-tax. If the Bank of England—if the owners of terminable annuities were to be exempted—if a distinction were to be made in favour of those who are comparatively wealthy and affluent, I think that I could easily show that the remission must be made to a much greater extent than hon. Gentlemen may perhaps be inclined to think. If there is to be an Income-tax at all, it must be uniformly laid upon all income, and in no case whatever can I allow a distinction to be drawn. Therefore, whatever inconvenience I may suffer from it in argument, I am bound not to admit the justice of an alteration of the bill with respect to terminable annuities. With regard to them, there was no distinction made by Mr. Pitt in 1798—no distinction was made in the act of 1806. I am aware that the terminable annuities had at that time a much longer period to run; but still the principle is the same, and the tax was laid on terminable annuities. At that time there were also Exchequer annuities, and which were then in much the same position as are the terminable annuities now. The tax I propose is 3 per cent. upon income, and from that tax no remission or reduction can be made on account of any class who are thought at all competent to pay it. I now leave this question with the House. The noble Lord intends, and I am glad to hear it, to ask by vote for the determination of the House, and I hope that that determination will be expressed at as early a period as is consistent with the due deliberation on so important a matter. By your vote upon this measure, you will express your opinions of the whole financial policy of the year, and by that vote the determination of the question in whose hands the Government of this country shall be placed. If the House thinks it desirable to support the principle of the noble Lord (Lord J. Russell), and the measures which he proposes—if it thinks that by imposing a fixed duty upon corn, and by reducing the duty on foreign sugar, it will meet the difficulties by which the country is at present surrounded—if it adopts these principles, and rejects those which I have recommended, then the administration of the affairs of Government will again change hands—But, for myself, I am not prepared now—considering the question of slavery, considering the prospects of supply, the condition of our colonies, and the other important points which crowd themselves upon one's mind in reviewing subjects of such general interest —considering all these things, I am not now prepared to advise a remission of the duties upon foreign sugar, and not being so prepared, I cannot advise a remission of the duties on the sugar of our own colonies. The more I look at this question, the more I consider the amount of the sum to be raised, the more confident am I that the best measure now to be adopted is to resort to a tax upon income rather than to impose a tax upon those articles of excise and customs to which I have referred, and upon which an abatement of the duties has of late years been made. I believe that such an attempt would far more disturb the application of capital and the operations of active industry than will a call upon each individual to pay 3*l.* out of every 100*l.* I have a strong conviction that the great mass of the lower classes will consider the voluntary determination of Parliament to accept for themselves, and to impose upon the wealth of the country this tax for the purpose of relieving its burdens—I have a strong conviction that it will be generally hailed on the part of the country, as a strong proof of the determination of the upper classes to bear their fair share of taxation. Although I admit that the tax may press with additional severity on account of the uncertain nature of profits on that property which is derived from trade and professions, yet when I consider that one of the main objects of this measure is to reduce the duties upon the raw materials of production, and that such a reduction will give the best chance for a revival of commerce, I cannot but think that the measure will work for the especial advantage of those who are connected with the trade of the country. As to those who hold land, or those who derive their incomes from professions, I have a confident expectation that by reducing the cost of living I shall compensate them for a great part of their burden, but if I may not offer them that advantage—yet, if by consenting to such a burden, instead of throwing it upon the articles of consumption, they diminish the embarrassments of their country, and take from those who are disposed to agitate the public mind the means of creating discontent and disunion—if they effect this, surely the compensation they will receive will be ample. I hope that my expectations as to the revival of trade in three years will not be disappointed—that my anticipations as to the temporary character of this tax will be realised. Then, when that happy time arrives, when we shall be enabled to dispense with this tax, then shall we find a revival of commerce and of industry, and then shall we have the satisfaction of contemplating a people contented and united, from the proof they will have received that those in the highest stations, and those who are comparatively affluent, are prepared, in a crisis of commercial and financial difficulty, to bear their full portion of any charge which the exigencies of the country may render necessary. The right hon. Baronet concluded by moving the following resolution:—

> "That it is the opinion of this committee, that, towards raising the supply granted to her Majesty, there be charged annually, during a term to be limited, the several rates and duties following, that is to say:—
>
> "For and in respect of the property in any lands, tenements, or hereditaments, and for and in respect of every annuity, pension, or stipend, payable by her Majesty, or out of the public revenue of the United Kingdom; and for and in respect of all interest of money, annuities, dividends, and shares of annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in Great Britain, from any kind of property whatever, whether situate in Great Britain or elsewhere, or from stipend or any annuities, allowances, or from any profession, trade, or vocation, whether the same shall be respectively exercised in Great Britain or elsewhere; and for and in respect of the annual profits or gains arising and accruing to any person or persons not resident within Great Britain, from any property whatever in Great Britain, or from any trade, profession, or vocation, exercised in Great Britain; for every 20*s*. of the annual value or amount thereof, 7*d*.
>
> "For and in respect of the occupation of any lands, tenements, or hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every 20*s*. of the annual value thereof, 3½*d*."

On the question being put,

Mr. *Labouchere*: I am very sensible how difficult it is for me, after the speech of the right hon. Gentleman, to obtain the attention of the House, but I trust for their indulgence while I offer a few observations in discharge of my duty. I would not at this hour trouble the House if I really did not feel, after the speech of the right hon. Baronet, that it is incumbent on me to offer some remarks. The right hon. Gentleman began by saying, that although my noble Friend (Lord J. Russell) declared he would give the proposition for an Income-tax the fullest consideration, and act in such a manner as should be best for the general interests of the country, still he heard that declaration with incredulity; for he was perfectly satisfied that the noble Lord had made up his mind to oppose this tax, and the right hon. Gentleman went on further to say he was perfectly convinced that whatever had been the nature of the financial operations of the Government; whatever taxes they had proposed; whatever course they had taken, the noble Lord and those who voted with him were prepared to oppose the plan. I will not retort imputations of that kind upon the right hon. Baronet. I am ready to give the right hon. Gentleman the justice which he has refused to my noble Friend; and strongly as I object to the course which the right hon. Baronet has taken, I am willing to say that I believe that he has taken it from motives worthy of the first Minister of the Crown, and that he has not resorted to it without thinking that it was for the benefit of the country. I think, however, that such imputations came with peculiarly bad grace from the right hon. Baronet. It was true he had been all his life opposed to the party which was now arrayed against him, but he had some opportunities of seeing the manner in which it had acted; and the right hon. Baronet must recollect occasions, neither few nor unimportant, when my noble Friend, and those who act with him, had concurred with the right hon. Gentleman when great interests were at stake, in supporting measures which the right hon. Gentleman believed were for the benefit of the country, at times when his own supporters had openly deserted him, or given him but very lukewarm assistance. When that recurs to my recollection, I must confess my surprise at hearing the taunt of the right hon. Gentleman, which was equally unmerited and uncalled for. The right hon. Gentleman went on to introduce various extraneous topics relating to the policy of the late

Government into which I shall not enter, as they might divert the attention of the House from the great question before it, which is itself quite enough without mixing up other questions. The right hon. Gentleman also expressed surprise at the course which my Friends around me have resolved to pursue. But I recollect the language which the right hon. Gentleman himself used on no very distant occasion with regard to a property-tax. I recollect on that occasion, when there was a deficiency of two millions and a half, and the House was called upon to make good that deficiency, the right hon. Baronet said, and it was on the debate of the budget in 1840, that on a comparison of the present estimated expenditure with the revenue there was a deficiency of 2,300,000*l.*, but that the attempt to raise that small sum (the deficiency did not then appear to the right hon. Baronet so tremendous as the present deficiency,) by a property-tax, or a tax on articles of general consumption would not be advisable, therefore upon the whole he gave a preference to the plan of the right hon. Gentleman. I do not complain that the right hon. Gentleman has changed his opinion, but in the speech of the right hon. Gentleman there was a tone of exaggeration as to the financial and political difficulties of the country, which, coming from a Minister of the Crown, might produce a very dangerous effect in foreign countries, and which the right hon. Baronet's desire to persuade the House to accept this unpalatable impost ought not to have induced him to use. The right hon. Baronet had said,—

> "Talk of a peace-tax—are we not now engaged in a war which will require the utmost exertions of this country."

Now, I confess, that to hear this language from a Minister of that country which grappled, and successfully grappled, with united Europe—which had struggled with, and in the struggle had overcome the greatest conqueror of modern times; to hear a Member of this country talk of the inroads of the barbarians of Affghan, and the weak attacks of China as a state of war which calls for the imposition of a war-tax, is to hold language calculated to excite regret and surprise, if it does not give rise to a stronger feeling; and I cannot help thinking from this, and the whole tone of his speech, that though he professed to believe that this tax would be well received by the country, he could not but feel the conviction, at the same time, that this unjust tax—for so I will call it—must be most repulsive; that there was a necessity to colour the picture rather highly, or it would be very difficult to persuade this House and the country to adopt it. I fairly admit, for my own part, that I continue to believe that if the measures which were proposed last year had passed in the then condition of the country, a most favourable result would have been produced. I regret their failure, and I believe that if a commercial Corn-law, and the sugar law which was then proposed, had been tried, a result would have been produced different to that for the consequences of which we are now called on to provide; and I regret that I was deprived of the opportunity of doing that of which I had given notice, namely, of proposing a plan of an improved tariff, a year's operation of which I am persuaded would have materially benefitted the position of our finances. I say that I regret the state of things which exists on this subject, because, had the course which we proposed been adopted, we should now have come to the consideration of this question with a greater advantage than we can now do; but I am perfectly prepared to own for myself that I very much doubt whether, under the present circumstances of the country, you can, by any mere modification of duties, fairly meet the public exigencies which exist. I also think that it is the duty of this House, from the moment they believe this, to take care that by taxation of some sort, if it can be done by no other mode, the exigencies may be supplied, and the deficiencies may be met. Therefore, I beg the House will not run away with the idea that there is not a desire on this side of the House, as strong as that which exists on the benches opposite, to take such measures as the public credit and the safety of this country demand, to place our revenue on a footing satisfactory and honourable to the nation. But in one point of view the right hon. Baronet was right in saying that a comparison might be instituted between our scheme and that now before Parliament, and I will show how this may be. The right hon. Baronet admitted, I think, that if the Corn-law which we proposed were to be carried now, and our law with regard to the sugar duties were to be also carried, an Income-tax would not be necessary. I hope this will be well understood by the country as well as by the committee, that whatever hon. Gentlemen may think of the existing Corn-law, and of the sugar duties, we are indebted to them for this Income-tax. [*Cheers.*] I see the hon. Baronet, the Member for Devon, (Sir T. D. Acland) cheers; he seems to say, rather than have the Corn-law altered, it is better to submit to the Income-tax; but I very much doubt, whatever may be the opinion of the landed gentry of the country on this subject, the country at large will agree with me, and when they hear the *ad captandum* arguments on the other side of the House, of this being a proposal in favour of the poor man, and find that it presses most severely on the great masses of this country, I think that when the poor man, and the man of small property, come to understand that if commercial reform had been carried to its proper extent, and the high protective duties now existing had been taken off, a result would have been produced extremely beneficial to them, their belief will be that the Government has not decided this point in the manner most favourable to them. The right hon. Baronet has stated, amongst other reasons which he has given for asking the House to agree to these taxes, that it would afford him an opportunity of trying on an extended scale the effects of a liberal and improved commercial policy. I confess myself, strong as are my objections to an Income-tax, and deeply as I feel the evils likely to result from adopting such a tax in the time of peace, yet that if the right hon. Baronet had come forward with a really bold and just measure of commercial policy, not operating too strongly upon the weak and defenceless, and leaving unscathed the great interests of the colonies and the landowners of this country, if he had brought forward his Income-tax on any such grounds, and had said, " I propose this measure, the effect of which I have no doubt will be salutary, but in the mean time, too, I am bound to place the finances of the country in a proper position, might have been disposed to consider the propriety of such a course. But, when I look to the measures which he has brought forward, I cannot say that I think them entitled to the character which he has given them. I remember that, on the discussion upon the question of the Corn-laws, my noble Friend the Member for Liverpool (Viscount Sandon) said that, looking to the commerce of the country, a fixed duty such as that advocated by my noble Friend would be better than the plan proposed by the right hon. Baronet. It was admitted, and no one can deny it, that, looking to that only, the proposal of the right hon. Baronet is not found on a good principle, and therefore, the right hon. Baronet cannot say that this is a measure which he can take as a measure to relieve the manufactures of the country. I pass by the total omission of any alteration being proposed with regard to the sugar duties; but, at the same time, I cannot help saying this, that it does give me the greatest concern to find that the right hon. Baronet, after having taken a general review of the circumstances of the country, should have come to a conclusion, that it is desirable to re-model the commercial code, without effecting any alteration with regard to these duties. I will not repeat the arguments which were used by the right hon. Baronet upon this point, but, I ask, what is the effect of the existing state of things? It is not the West Indies which supply our demand for sugar, we derive that supply from the East Indies, where there is an immense sugar interest gradually, but rapidly, growing up. If I believed that this would be a permanent system, I should rejoice in it. No one can be more alive than I am to the importance of the increasing sugar trade of the East Indies; but it is because I believe that it is most valuable that I regret its artificial growth, seeing, as I do, that it is raising itself on the rotten foundation of monopoly, and not on the sure and firm basis of a moderate protection. And there is another reason which makes me regret this. It is well known that France is about to alter its laws with regard to sugar—to allow foreign sugar to be introduced into its territory. By doing so, it will obtain a great advantage; the markets of the Brazils, of Cuba, and of Java will be open to it; and therefore I regret the course which the right hon. Baronet has taken in reference to this portion of his scheme, when there is this additional reason for altering our law. With regard to the scheme of the tariff proposed, without denying that there is much that is highly beneficial in it, I cannot but say, that it appears to me, as if the right hon. Baronet had wished to render his deficiency as large as he could, from the reckless manner in which the revenue of the country is sacrificed. I do not think, that it had ever entered into the mind of a minister before, to give up looking to the colonial timber trade as a means of some revenue, and I must consider the course which the right hon. Baronet has adopted as most reckless and unadvisable. I will now come to that part of the measure on which the right hon. Baronet mainly depends, in order to render this plan of his palatable to the commercial and manufacturing interests of the country—to the improved tariff which he laid upon the Table of the House. I am as well aware as any man of the extreme difficulty of a task, such as that undertaken by the right hon. Baronet, and I can assure the right hon. Gentleman that neither now nor hereafter will I raise objections to any tariff of the principle of which I approve, of an unjust or a factious character, and I am willing, therefore, to admit that there are parts of this tariff which involve very material and important improvements in our commercial system. But there is one principle which pervades it, which, in my opinion, is fatal to it, and so erroneous, that it is my belief, if the House should unfortunately adopt it, that it would outweigh all the benefits likely to result from the remainder of the tariff. I allude to those points which have been already adverted to by my noble and right hon Friends near me. I am speaking of the extension of the principle of colonial protection to every article which can be thought of. I beg I may not be misunderstood. I have never been one of those who desire that no preference should be given to our colonial produce in our markets. I think I see many advantages in giving a moderate protection by a tax to many articles, the production of the colonies; but the principle which the right hon. Baronet is about to adopt, is quite different from this. The right hon. Baronet's principle would extend to every thing, to every article in the world in which we trade with the colonies. The article of tobacco has always hitherto been treated in the same way, coming from our colonies as from the rest of the world. [Sir *Robert Peel:* Not always.] The right hon. Gentleman dissents from my observation. It is quite true, that some years ago, Mr. Huskisson proposed, that there should be a differential duty between the tobacco coming from our West Indian colonies, and from other parts; but the effect was, that no tobacco to any amount in consequence had been brought into this country from those colonies. Petitions have been presented to the House for the equalization of the duty on tobacco from our East and West Indian possessions. Memorials were also presented to the late Government on this subject; but I always declared, that the Government could not sanction the proposition. With respect to the equalization of the duties on rum coming from the East or West-Indies, the question is very different. That equalization of duties was assented to by the late Government, and by the House, as a necessary corollary to the equalization of the duties on sugar; and this was done, although the right hon. the Chancellor of the Exchequer stated, that the adoption of such a measure would be attended with ruin to the West-Indies. When that was done, and on other occasions, deputations waited on me from persons connected with commercial matters in the East-Indies to induce the Government to make an alteration with reference to the differential duties on tobacco, and on this point I can appeal to my hon. Friend, the Member for Nottingham, the chairman of the East-Indian Association, as to whether this was not the case; but on this point, neither myself, nor any other Member of the Government, ever assented to the proposition. I always told the parties that nothing should induce me, either in a financial or commercial point of view, to sanction a proposition which would allow a great monopoly interest to grow up in India with respect to the article of tobacco. The prime cost of that article may be taken at 3*d.* per lb., and the duty paid upon it is 3*s.* per lb. It is an article that may be produced with facility in many climates, and, with any great difference of duty, a monopoly would grow up, as it was an article of general demand. The soil of India also, as I understand, is most advantageous for the growth of tobacco. Therefore, if the House adopts a scheme of the kind for the creation of a monopoly, it would end in sacrificing a great portion of foreign trade in this article. The principle that I have stated, with reference to the great difference proposed to be made between articles brought from our colonies and from foreign states, would vitiate the greater portion of the advantages that might otherwise be drawn from the proposed change in the tariff. I fear that I have already trespassed at much too great length on the time of the House, but I cannot sit down without making a few observations on the proposed Income-tax. I will not dwell on the inconveniences which have resulted from the operation of the old income-tax, for the right hon. Gentleman has said, that he will modify many parts in the machinery of the old law. The points, however, which the right hon. Baronet has stated on this part of the subject, requires great consideration before I can give a decided opinion on the subject. I do not say, that they may not prove, in some degree, advantageous; but from the opinion I can now form on the subject, it appears to me that they will, in a very slight degree, modify the evils which must necessarily be attendant on the imposition of an income tax. I have never met with a statesman, or any one experienced in political affairs, who did not declare that the imposition of such a tax was most objectionable, and, above all, that it should be avoided, as far as possible, in time of peace; and I must call the adoption of such a tax a most objectionable proceeding, notwithstanding all that has fallen from the right hon. Gentleman on the subject. As to the nature of this tax, I will quote from the works of one who formed his opinion on the subject after the closest and most profound observation, and whose opinion had been delivered calmly from the closet, not in the hurry of public affairs, but I am sure that it is the language of one whose name would be received with the greatest respect in this House—I allude to Adam Smith. That eminent authority said,—

> "The quantity and value of the land which any man possesses can never be a secret, and can always be ascertained with great exactness. But the whole amount of the capital stock which he possesses is almost always a secret, and can scarce ever be ascertained with tolerable exactness. It is liable, besides, to almost continual variations. A year seldom passes away, and frequently not a month, sometimes scarce a single day, in which it does not rise or fall more or less. An inquisition into every man's private circumstances, and an inquisition which, in order to accommodate the tax to them, watched over all the fluctuations of his fortune, would be a source of such continual and endless vexation as no people could support."

Adam Smith, it appeared, was wrong in this respect, for in a time of war the people of this country—and to their honour I mention it—did support a tax of this kind under a great emergency, and I have no doubt, that if this country were called upon again to meet a foreign foe, the people would cheerfully submit to this or any other burden, if they were satisfied that it was necessary. But Adam Smith went on to say:—

> "The proprietor of stock is properly a citizen of the world, and is not necessarily attached to any particular country. He would be apt to abandon the country in which he was exposed to a vexatious inquisition, in order to be assessed to a burdensome tax, and would remove his stock to some other country where he could either carry on his business, or enjoy his fortune more at his ease. By removing his stock he would put an end to all the industry which it had maintained in the country which he left. Stock cultivates land; stock employs labour. A tax which tended to drive away stock from any particular country would so far tend to dry up every source of revenue both to the sovereign and to society. Not only the profits of stock, but the rent of land, and the wages of labour, would necessarily be more or less diminished by its removal."

Sufficient has been said to the House, I believe, as to the vexatious and harassing nature of this tax, and if I appeal to facts stated as to its operation, I find the truth of the passage which I have just quoted fully borne out. I will merely on this point refer to the inconveniencies which must have been experienced in consequence of the number of surcharges made in the last year of the existence of this tax in the City of London. On this point Mr. W. Smith, in one of his speeches on the Income-tax said;—

> "It appeared that 11,000 surcharges had been made in the City of London alone during the course of the last year. It might be said, that this afforded in some degree a presumption of commercial prosperity, but he thought that no such inference could be drawn. Of these 11,000 surcharges, 3,000 were set aside on appeal, after a critical examination into the appellant's circumstances. This had made him a declared enemy to the tax in every shape. 7,000 out of the 11,000 did not appeal; they probably thought it a less evil to submit to the imposition, than to expose the situation of their affairs. But, suppose that these 7,000 were surcharged justly, what a pestilential influence must the tax have produced on the morals of the country? when such a body had recourse to the most guilty evasions to avoid the assessment!"

Am I wrong in quoting such an opinion

when it shows what is the effect of the operation of such a tax on the honour and character of the commercial body of the country. I conclude with saying that I am satisfied that there does not exist on this side of the House any indisposition to meet the financial difficulties of the country; but I trust that the country is not in such a situation as to render it necessary to resort to this tax, which, in my opinion, should only be adopted either at a time of extensive war, or on some great emergency. God forbid, that under present circumstances, the financial difficulties of the country should appear such as to require that House to adopt such an extreme measure. I would resort to almost all other means before I adopted a scheme of taxation which was alien to the habits of the people of this country, which must be carried into execution in an inquisitorial manner, and therefore which must be attended with vexatious proceedings, infinitely more annoying than the amount taken from their pockets.

Mr. *Hawes* moved the adjournment of the debate.

Lord *Worsley* had asked the right hon. Gentleman the other night what he presumed the amount of duty would be, which he calculated he should obtain from the operation of his proposed Corn-law. He did not press the right hon. Gentleman on the former occasion for an answer when he was told that he should obtain his information on the present occasion, but the right hon. Gentleman, although he had alluded to other questions put to him on former evenings, had not returned an answer to his question. He presumed, that the right hon. Gentleman might have abstained from answering his question on the former occasion, as well as on that evening, because he thought, that he might frighten those who sat on the other side of the House behind him, or that he might like to have a larger sum of money in hand than he calculated the amount of the Income-tax would be, for he believed with many others, that one of the effects of the imposition of such a measure would be to materially lower the amount of the assessed taxes. He believed, that he was only expressing the opinion that obtained with many most intelligent persons when, he said, that the country had not had sufficient time afforded them to judge, or to understand, the probable operation of the measures which the right hon Baronet had proposed. His own opinion was, that one part of the proposition of the right hon. Gentleman with respect to an Income-tax would operate as a bonus on bad farming. It was very fortunate for the right hon. Baronet, that the disastrous news from the East Indies arrived the night before he announced his Income-tax. He had believed, that it would not have been necessary to ask for an Income-tax in time of peace, and he could not conceive, that the proceedings in India could be regarded as such a breach of the general peace, as to call for such an extreme measure. He repeated, that he hoped that the right hon. Baronet would state what amount of revenue he expected to get from his Corn Bill. It was generally understood, that large speculations had been entered into out of doors, in consequence of the probability of its coming into operation.

Sir *R. Peel* said, that he was not aware that he had refused to answer any questions as to the Corn Importation BIll.

Lord *Worsley:* No; but you said, that you would answer my question when the motion with respect to the Income-tax came under discussion.

Sir *R. Peel* was not aware that he thought that he should frighten any Gentleman who sat near him as to the amount of what revenue he should get from the alteration of the corn duties. If the noble Lord had been in the House in the early part of the evening, and had heard the speech of the late Chancellor of the Exchequer at the commencement of the debate, he must have heard him say, that it was almost impossible to form a correct estimate of the expected revenue of the country—that even the oldest and most skilful officers of the customs and excise were frequently baffled in their attempts to do so, because it mainly depended on the state of the harvest; if the harvest was unfavourable, in that case both the customs and excise would be injuriously affected. And if that were true with regard to other branches of revenue, how much more so must it be with respect to corn. It was therefore exceedingly difficult, if not impossible, to form anything like an estimate. If the harvest was favourable, and the produce plentiful, they would have corn low, and the duty would be very trifling in amount; whereas if the harvest was unfavourable, and prices high, the amount would be something considerable. Those hon. Members who sat near the noble Lord would perhaps be able to relieve the apprehensions of the friends of the English farmer who believed, that the importation would be immense, because they had declared his measure to be a mere delusion, under which it was doubtful if any corn would come in. He had taken an increase on the Customs of 500,000*l.*, without including corn in the amount. Supposing the year was favourable, the Excise would be productive, and the corn duties low, and on the other hand a bad season would increase the corn duties, while there would be a falling-off in the other departments of the revenue. He had really answered the question to the best of his ability.

Lord *Worsley* understood, that the rests in the scale were for the purpose of enabling parties to bring in supplies of corn, and it was understood, that the revenue from that article would be somewhere about 500,000*l.* It had been also argued, that the effect of the new scale would be to create a more regular trade in corn.

Sir *R. Peel* was unable to answer the noble Lord's question more accurately; but, with regard to the rests, the noble Lord should submit to some eminent accountant the proposition, giving the rests in the scale, to determine the amount of corn to be introduced. It was not more easy of solution than another problem he had heard of, giving the height of the mast, and the captain's name to determine the latitude of the ship.

Debate adjourned.

House Adjourned.

HOUSE OF LORDS,

Saturday, March 19, 1842.

MINUTES.] BILLS. *Public.*—2ª. Consolidated Fund.
Reported.—Newgate Gaol (Dublin); West India Clergy.
Private.—2ª. Stalybridge Gas; Bristol Boundary; Clee Inclosure; South Eastern Railway.
3ª. and passed:—Liebert's Naturalization.

HOUSE OF LORDS,

Monday, March 21, 1842.

MINUTES.] BILLS. *Public.*—1ª. Jurisdiction of Justices' Quarter Sessions.
2ª. Ecclesiastical Residences.
3ª. and passed:—West India Clergy; Newgate Gaol (Dublin); Consolidated Fund.
Private.—1ª. Birkenhead Improvement.
PETITIONS PRESENTED. By the Earl of Clare, and the Earl of Bandon, from Limerick, Cork, Core, Bandon Agricultural Society, and other places, against the Importation of Foreign Flour.—By Lord Brougham, from Tyrone, for an Alteration of the Marriage Law of Ireland.—By a noble Lord, from Merchants, Traders, and others in the City of Cork, for the Establishment of a Packet Station at that place.—By a noble Lord, from Limerick, against the Proposed Duties on Corn, Cattle, and Provision.—From Lislee, Kilmalooda, Mogeoly, &c., for Encouragement of Education (Ireland).—From Stratton, for Inquiry into Abuses in the Management of Charities.—From H. C. Stenton, praying for a Discontinuance of Burials in Churches.

EASTER RECESS — ADJOURNMENT.] The Duke of *Wellington*, adverting to a question put to him on a former evening by the noble Viscount (Melbourne), as to the probable duration of the Easter recess, begged now to inform him that he would on the next day move that the House at its rising do adjourn to Thursday, the 7th of April.

Adjourned.

HOUSE OF COMMONS,

Monday, March 21, 1842.

MINUTES.] NEW MEMBERS. Hon. Henry Fitzroy, for Lewes; Edward Cardwell, Esq., for Clitheroe.
BILLS. *Public.*—1°. Mutiny; Marine Mutiny.
Reported.—Rivers (Ireland); Parish Property.
3°. and passed:—Queen's Prison.
Private.—1°. London Bridge Approaches and Royal Exchange Avenues; Saltcoats Harbour; Liebert's Naturalization.
2°. Buckland Inclosure; Granton Pier; Maidstone and Rochester Roads; Birmingham and Derby Junction Railway.
3°. and passed:—Birkenhead Improvement.
PETITIONS PRESENTED. By an hon. Member, from Caputh, and Sheffield, for the Abolition of the Corn-laws.—From Northumberland, against Duties on the Exportation of Coals.

LEWES ELECTION.] Mr. *C. Wood*, chairman of the committee appointed to try and determine the merits of the petition complaining of an undue return for the borough of Lewes, brought up the report of the said committee.

The committee reported,—

"That Mr. Summers Harford is not duly elected a burgess to serve in this present Parliament for the borough of Lewes.

"That the Hon. Henry Fitzroy is duly elected, and ought to have been returned a burgess to serve in this present Parliament for the said borough of Lewes.

"That the petition of Edward Monk and Gabriel Eccles does not appear to the committee to be frivolous or vexatious.

"That the opposition to the said petition does not appear to the committee to be frivolous or vexatious.

"That the committee have altered the poll taken at such election by striking off the names of W. Sales, W. Ellis, Jeremiah Reed, George

Stanford, John Stanford, Charles Stanford, W. Knee, and Thomas Gates."

Clitheroe Election.] Mr. *Hogg*, chairman of the committee appointed to try and determine the merits of the petition complaining of an undue return for the borough of Clitheroe, brought up the report of the said committee.

The committee reported,—

> "That Mr. Matthew Wilson, jun., is not duly elected a burgess to serve in this present Parliament for the borough of Clitheroe.
>
> "That Mr. Edward Cardwell is duly elected and ought to have been returned a burgess to serve in this present Parliament for the borough of Clitheroe."

Severn Navigation.] Mr. *Pakington* moved the further consideration of the report (with amendments) of the Severn Navigation Bill.

Mr. *Muntz* said, that in his opinion, if the committee had looked to the statements made by the surveyors, they would not have agreed to the bill in its present shape. Many of his constituents who were connected with the Birmingham and Worcester Canal would be injured by this measure, if it were passed as it now stood. They would have, under the provisions of this bill, to pay heavier tolls than those who would derive considerable benefit from it. The hon. Member concluded by moving, "That this bill be recommitted."

Mr. *Pakington* said, this was a measure which, as it was intimately connected with the improvement of the river Severn, must be considered as one of great national, as well as of great local importance. By the system which at present prevailed, the navigation connected with the Severn was sometimes obstructed and impeded for three or four months at a time, and it was to prevent that evil in future that this measure was to be introduced. The subject had been thoroughly considered in committee, and he could see no good grounds for acceding to the proposition of the hon. Member. The opposition appeared to be raised by a particular party against a great national improvement, because, from their situation, they could not participate in all the advantages which it was calculated to produce.

Mr. *M. Philips* said, that in the course he was about to pursue, he was influenced by no motive but that of doing justice to all parties. Now, though he was fully impressed with the importance of improving the navigation of the Severn, still he thought that it was highly inexpedient that the navigation of the Birmingham and Worcester Canal should have any obstacle thrown in its way by the provisions of the bill then under consideration. The hon. Member for Birmingham (Mr. Muntz) was, he believed, most anxious for the improvement of the Severn navigation; but he wished that improvement to be so effected that others would not be injured by the plan. It was very proper that the navigation of the Severn should be improved, but in effecting that improvement some regard ought to be paid to the interests of another navigation, and care should be taken not to impede it. By reconsidering the bill in committee means might be found to obviate the objections that had been raised.

Mr. *Labouchere* said, that though this subject came before them in the shape of a private bill, it involved public interests of the greatest possible importance, especially as connected with the great mining districts. He had, therefore, watched the progress of the measure with considerable anxiety, and he was very glad to see it in a situation to receive the sanction of that House. Those who opposed the measure in this stage did not object to the principle, but to the details of the bill. Now, those details, he submitted, could not be satisfactorily discussed in the House—they could alone be satisfactorily discussed in committee. And what was the fact? Why, they had been discussed in committee for seven weeks during the last Session. That committee took great pains in investigating the matters that were now adverted to. In the present Session another committee was appointed, and all the five selected Members (who were perfectly free from any interest in the bill) on that committee were unanimous in recommending the course which had been adopted. Now, he thought that he was taking the safest course in placing his confidence in the decision of those five gentlemen, who could not be supposed to be actuated by any of the feelings which might be alleged as likely to influence them in a case where the interests of their own constituents were concerned. He, therefore, in accordance with their opinion, was against interposing any further delay to the progress of this bill.

Sir *W. Rae* said, this measure was not

brought forward in order to benefit any individual or any company. The bill was intended to benefit the public. The objections now raised ought to have been made long before this time. The bill had been before a committee, in the last Session, for discussion and decision, during seven weeks, and that committee unanimously concurred in recommending that it should be carried into effect. It was, however, too late in the last Session to proceed. The bill had again been considered by a committee in the present Session, and not one of these objections had been advanced. The measure was discussed fully and fairly, and he could see no sufficient reason for not proceeding with it.

Mr. *R. Scott*, after a careful consideration of the provisions of the bill, thought that it ought to be recommitted because, in committee, suggestions might be adopted by which proper accommodation would be provided for that traffic which would otherwise be injuriously affected by the measure. He admitted the great importance of the navigation of the river; but, in his opinion, it might be improved without interfering with the interests of those who were likely to be injured by the plan laid down.

Sir *C. Douglas* was favourable to the principle of the bill, but he did not approve of some of its details.

Lord *G. Somerset* thought that the motion of the hon. Member for Birmingham did not rest on any reasonable grounds. Unless the hon. Member could clearly show that injustice was likely to be done by the measure he could not consent to his amendment. He conceived that it would be most injurious if the House, on light grounds, did away with the laborious work of a committee.

Sir *T. Wilde* said the motion of the hon. Member for Birmingham was calculated to do away with the bill altogether. It was not suggested that those parties whose interests were espoused by the hon. Member had not had an opportunity to be heard before the committee. If a period of seven weeks were not sufficient to enable them satisfactorily to make out their case, then, he feared, that any further time that might be allowed for the investigation would not produce a more satisfactory result. As the case had been fully heard, t would, in fact, be throwing out this bill, f, after being placed in the stage at which it had now arrived, they consented to its recommittal. The object of the bill was the general benefit of the public—even of those parties themselves who were connected with the Birmingham and Worcester Canal. Considering that the bill had had the advantage of a very long and minute investigation, when those who were opposed to the weir were fully heard, he trusted that the House would not accede to the motion of the hon. Member for Birmingham.

Mr. *O. Gore* saw no grounds on which the House should allow the bill to be recommitted.

Viscount *Ingestre* said, that looking to the great expense to which all parties would be put by a recommittal of the bill, he should vote against it.

Mr. *Muntz* would not trouble the House with a division.

Amendment withdrawn. Report agreed to.

Bill to be read a third time.

CUSTOMS' DUTIES—THE TARIFF.] Mr. *Forster* wished to put a question to the right hon. Baronet at the head of her Majesty's Government relative to the proposed continuance of the additional duty of 5 per cent, referred to in the third resolution of the schedule, as follows:—

> "That the duties imposed in the foregoing schedules on articles other than spirits and timber, shall be respectively subject to the charge of 5 per cent, imposed by an act passed in the third year of her present Majesty, cap. 17."

The strongest objections existed against this mode of assessing Custom-house duties, as leading to misunderstanding between buyer and seller, besides being troublesome and inconvenient. The question which Mr. Forster wished to ask was, whether the public were to consider it a permanent or only temporary arrangement.

Sir *R. Peel* said, the House would recollect that in 1840, the right hon. Gentleman who was then Chancellor of the Exchequer, proposed and carried a measure for raising 5 per cent additional on the duties of the Customs and Excise: that 5 per cent still remained in force; and it would apply to all duties of the Customs and Excise which were not included in the present reduction of duties. It was his intention, therefore, as he did not propose to repeal that 5 per cent act in the case of all other duties, to retain the 5 per cent for the duties to be reduced, and to levy an additional 5 per cent on the reduced duties, as well as on all others. The hon. Gentleman had spoken of the great objection to retaining the 5 per cent, from the extreme difficulty of computing its amount; but it should be recollected, that it was not a duty of 5 per cent *ad valorem*, but of 5 per cent on the amount of duty levied. There could, therefore, be no difficulty in the case.

Dr. *Bowring* would give notice that he should propose in committee, that this additional 1-20th, or 5 per cent, should be consolidated in the tariff. It would be much more satisfactory to the merchant to have only one calculation to make, instead of two, on every occasion.

Mr. *Duff* asked, if it was the intention of the right hon. Baronet to proceed with the bill for the alteration of the tariff, previous to the Easter recess, as several of the proposed alterations, especially those respecting cattle, would particularly affect his constituents, and he thought time should be given to consider them.

Sir *R. Peel* was afraid, that he could not answer the hon. Gentleman's question without notice. He very much feared, considering that it was his intention to take the resolution with respect to the Income-tax before he proceeded to the consideration of the tariff, that he should necessarily be obliged to give the time which the hon. Gentleman wished to have, and that there would be no prospect of making any progress in the consideration of the tariff before the Easter recess.

SCOTCH AND IRISH PAUPERS.] Sir *D. Norreys* inquired, whether the right hon. Baronet, the Secretary of State for the Home Department, could give the House any information relative to the removal of Scotch and Irish paupers from England. The subject had excited very strong feelings in Ireland.

Sir *J. Graham* said, with respect to the removal of Irish and Scottish paupers, the Poor-law Commissioners had instituted inquiries throughout the counties of England and Wales, and a very considerable mass of information had already been collected. The report was not yet completed, but in the course of two or three months, he thought it would be ready to be laid on the Table. The law of settlement was altogether distinct from the measure he intended to introduce after Easter.

CONFISCATED OPIUM.] Mr. *Lindsay* understood that instructions had been sent out to the Government of India to ascertain the value of the opium which had been surrendered to Captain Elliot. The right hon. Baronet had referred to those instructions on Thursday last, and perhaps he would now state their purport. He wished also to know, whether a full opportunity would be given to the parties interested to press their claims for compensation.

Sir *R. Peel* said, the instructions on the subject of the value of opium, to which he had referred on Thursday, were given in December last, and he had not the slightest objection to read the purport of them for the information of his hon. Friend. The Lords of the Treasury directed, that the Supreme Government of India should be instructed to cause a full and searching inquiry to be instituted at the earliest possible period into the actual value which each description of opium confiscated by the Chinese authorities in the months of March and April, 1839, bore in the market at the time when the confiscation took place; and that the result of this inquiry, with copies of the evidence and other documents connected with the subject, should be communicated to my Lords, together with any remarks which the Governor-general in Council might think proper to make in elucidation of the subject. He had no doubt whatever that the Governor-general would direct the inquiry to be made in the fullest and most satisfactory manner. With respect to the other part of the hon. Gentleman's inquiry, he was unable to return any satisfactory answer. The Governor-general would remit to this country, not merely the report which might be made, but the evidence taken on the subject.

EDUCATION (IRELAND).] Mr. *Shaw* wished to know from his noble Friend, the Secretary for Ireland, whether it was the intention of her Majesty's Government to make any proposal for extending the schools in connexion with the Established Church in Ireland, and give them what they had not in fact enjoyed since the establishment of the Board of Education—a due proportion of the funds annually granted by that House for the promotion of national education in Ireland.

Lord *Eliot* replied, that it was the intention of her Majesty's Government to include in the estimates for the ensuing year a grant for national education in Ireland, without proposing any alteration in the principles which had regulated its distribution.

STADE DUTIES.] Mr. *Hutt* was anxious to put a question to the right hon. Baronet, which he had on a former occasion proposed, and to which no answer had been returned, on the ground that negotiations were pending on the subject. He wished to know whether her Majesty's Government were prepared to admit the claim of the King of Hanover to levy a larger amount of duty on ships passing up the Elbe than he was entitled to do by treaty?

Sir *R. Peel* hoped, as negotiations were still pending, the hon. Member would not press him to give any answer to that question.

Mr. *Hutt* reminded the right hon. Baronet, that negotiations had been pending for a long time.

Sir *R. Peel* assured the hon. Gentleman, that as soon as he could make any communication on the subject consistently with the public interests, he would do so.

REVENUE COMMISSION.] Mr. *Hawes* inquired whether the report of the revenue commission (as we understood) would be laid on the Table.

Sir *R. Peel* said, the report should certainly be laid upon the Table *in extenso.* It would be found to contain a variety of information relative both to commercial regulations and the salaries of public officers; and, as it would probably invite some discussion, it might be desirable that he should state, when it was laid on the Table, the views which her Majesty's Government entertained on the whole subject.

MARRIAGES (IRELAND.] Lord *J. Russell* wished to put a question to the noble Lord, the Secretary for Ireland, relative to the Marriages (Ireland) Bill. That bill had been sent to the other House, and he had not heard of it since. He wished to know whether, if it were stopped, it was the intention of the Government to introduce any declaratory bill ou the subject?

Sir *R. Peel* believed he could undertake to answer the question put by the noble Lord. Since the bill alluded to had left that House, a question had arisen, not upon a criminal case, but involving a civil right, which enabled the parties concerned to appeal in the first instance to the decision of the judges in Ireland, and afterwards to carry that decision, whatever it might be, in the last resort to the House of Lords. This, he rather thought, had caused some suspension of proceedings with respect to the bill; whether that objection to proceed with it was final or not, he could not undertake to say. He believed the general feeling in the other House was, that it would be desirable to have the decision of the House of Lords upon the question of the validity of the Presbyterian marriages in Ireland before proceeding with the bill. If he were wrong, he should take the opportunity of correcting the misapprehension to-morrow.

DUTIES ON CATTLE.] Mr. *Childers* inquired what amount of revenue was expected to be derived from the importation of foreign live cattle. He hoped, as this question was so very important to the graziers both of England and Scotland, the right hon. Baronet would be enabled at once to give a more satisfactory answer to it than he had given the other night, after three days' consideration, to that put by the noble Lord, the Member for Lincolnshire.

Sir *R. Peel* said, the question put to him the other night by the noble Lord (Lord Worsley) was whether, knowing what the rests were in his sliding-scale, he was enabled to say what amount of duty would be received from the importation of foreign corn. He certainly did say that was a very puzzling question, but when he was now asked, when remitting prohibitions for the first time on the importation of foreign cattle, to state what amount of duty would be received, the question undoubtedly was still more difficult. He could only say, that the apprehensions entertained on the subject were very greatly exaggerated. He really could not conceive it possible that there would be such an import of either lean or fat cattle as could materially affect, if it would affect at all, the interests of the graziers. With reference to all such questions he must, once for all, declare that he made no pretensions whatever to the powers of that extraordinary calculator, who, on being given the height of the mast and the name of the captain, undertook to determine the latitude of the ship.

MINISTERS' FINANCIAL PLANS.—PUBLIC BUSINESS.] On the Order of the Day for the House to resolve itself into a Committee of Ways and Means being read,

Mr. *F. Maule* had no alternative, but to take that opportunity, in consequence of the communications he had received, to state publicly to the right hon. Baronet the peculiar position in which both the manufacturing and agricultural interests of Scotland were at the present moment. The right hon. Gentleman had developed his financial scheme last Friday week. As he himself stated at the time, he had studiously taken care to preserve the utmost secrecy with reference to his plan, and he had succeeded in that respect; scarcely had there been time yet for it to reach Scotland, still less to receive the consideration of those classes who were most to be affected by it, even in the centre of Scotland, before the right hon. Baronet developed the details of his plan, and upon which he now proposed to take the decision of the House in the resolution of a committee of Ways and Means. At the very time the right hon. Gentleman was proceeding to take that resolution, the people of Scotland were informed, for the first time, of the details of his scheme—nay, a portion of the people of Scotland were at this moment still ignorant of them. The right hon. Baronet could not but feel that that portion of the kingdom would perhaps be more severely touched by his Income-tax and tariff duties combined than either of the other integral parts of the kingdom; and he, therefore, wished to put it seriously and earnestly to him, whether in forcing the House immediately to a decision on this resolution, he did justice to that part of the country, where, he must say, without any wish to exaggerate, there existed a very strong feeling on the subject of this financial measure. He did hope the right hon. Baronet would feel it to be consistent with his duty to defer taking the sense of the House on this resolution until after the Easter recess, during which the constituencies of Scotland would have an opportunity by communication with their representatives, of expressing their opinions by petition to that House.

Sir *R. Peel* said, he was sometimes told, that he was afraid to touch an important interest; and now, because he proposed the admission of foreign cattle, it was said, he was affecting injuriously the interests of the whole people of Scotland. He could only say, he had attempted to do what he considered best for the interests of the whole country. On Friday week, he had brought forward his proposal with respect to the Income-tax, and he proposed going on with the debate on the Monday following; but, at the suggestion of the noble Lord opposite, he had taken Friday for the discussion of the resolution, preliminary to a bill being introduced. He must say, therefore, he could not be a party to the delay recommended by the right hon. Gentleman. He thought the House was now in a position to determine whether it was politic or not to supply the deficiency by an Income-tax, or by a tax of any other description; and, therefore, he could not be a party to any delay with respect to the resolution. The right hon. Gentleman should bear in mind, that if the people of Scotland had any claim for a reduction in the amount of the duty imposed on them, they would have a perfect opportunity of urging it during the progress of the bill in committee. Those whom the right hon. Gentleman represented, seemed rather to feel, that they were too indulgently dealt with; and the right hon. Gentleman spoke as if he meant to propose an increase in the duties, which, undoubtedly, he would not afterwards be able to do. On the other hand, if the manufacturing or agricultural classes had any claim for a remission, it would be perfectly open for him to urge it in committee on the bill; but as to the general abstract principle of whether or no there should be an Income-tax, he could not help thinking the House might fairly at once be called on to pronounce its decision.

Mr. *F. Maule* repeated, that his object simply was to claim, on the part of the people of Scotland, time between the receipt of intelligence with respect to a resolution to impose an Income-tax, and its adoption by the House. In doing so, he had performed his duty, and the right hon. Baronet, in giving him such an answer, no doubt, thought he best performed his duty as a Minister of the Crown; the public, however must judge as to the propriety of the course adopted.

Sir *R. Peel* begged to assure the right hon. Gentleman, that he, too, had received communications from Scotland on the subject of the imposition of an Income-tax, and he must say the feeling of the people of Scotland had been most satisfactory upon the point.

Mr. *C. Wood* wished to know what was the intention of the right hon. Baronet about going on with the committee on the Corn Bill?

Sir *R. Peel* thought he should rather ask what were the intentions of Gentlemen opposite upon that subject? He was most anxious to bring the discussions on the Corn Importation Bill to a close. He had been accused of pressing important matters forward with undue haste; but he could assure the House, that personally it was a matter of entire indifference to him which question was taken first; but the communications he daily received, led him, upon public grounds, to urge, that as little delay as possible should intervene. His proceeding with the Corn Bill would entirely depend on hon. Gentlemen opposite. If they thought that the sense of the House had been sufficiently indicated upon that question, he should be most happy to bring the discussion at once to a close. He had put it on the paper every night, so that if business was over between nine and ten o'clock, no impediment should exist to their proceeding with it. If the hon. and gallant Officer opposite (Sir C. Napier), who had a motion on the paper for to-morrow, would give him precedence, he would be most happy to bring the Corn Bill on then. He had exhausted every means in his power to bring it forward, in order, as speedily as possible, to terminate the discussion.

Mr. *C. Wood* begged the right hon. Baronet to remember, that he had expressed no impatience whatever, or the reverse. He was anxious, that the bill should be got through that House, and that the great interests now kept in suspense should be set at rest. But, in fact, he asked the question more with reference to getting out of town, than anything else.

Mr. *C. Buller* suggested to the right hon. Baronet the very simple device of bringing forward the Corn Bill to-night, instead of the Income-tax. The right hon. Baronet's conduct on this subject was very inconsistent. Ten days ago the right hon. Baronet told them the people were all agog with respect to the Corn Bill, and the trade was at a perfect stand still. But now the right hon. Baronet brought forward the Income-tax to the exclusion of the Corn Bill, and called upon the House for an immediate decision upon it. Really, after all, he did not think anybody was in such a confounded hurry to have the Income-tax imposed. The only anxiety seemed to be that of the right hon. Baronet to prevent any expression of feeling in the country upon this subject. He was trying the plan he had tried before—most unfairly endeavouring to coerce their conduct on one measure by appealing to the impatience of the country with reference to another—forcing them to come to a precipitate decision on the Income-tax, in order to overtake the Corn Bill. The right hon. Baronet said, that the Corn Bill had been discussed a great deal too much. [*No, no!*] The right hon. Baronet said, at all events, the other night, that there had been fourteen nights' discussion on the Corn Bill, and that certainly seemed to imply, that it was too much; but, looking at the state of the Corn Bill, there was a question of the greatest practical importance to the country which required to be minutely sifted—he meant the system of averages—which had never been discussed at all. He hoped the House would not hurry to any decision on the Income-tax. If the right hon. Baronet wished, in consideration of the state of trade, and the anxiety which prevailed on the subject, to come to a speedy decision on the corn question, he had the remedy in his own hands, by making it the first Order of the Day.

Sir *R. Peel* said, he had mentioned, not fourteen, but sixteen nights' discussion. He did not presume to say that was too long, but he certainly thought there had been a tolerably long discussion on the Corn-bill. He did not say too long, because the result had been to cause great satisfaction throughout the country with the measure. He did not in the slightest degree deprecate the discussion which had taken place. He had given notice, and he thought it had caused the greatest dissatisfaction, that as soon as he got the resolution on the Corn-bill as a foundation of the measure, he would explain and take the sense of the House on his financial measure. The course he had pursued was exactly in concurrence with his original declaration, and most certainly he thought it would be well that the opinion of the House should be pronounced at the earliest period with respect to an Income-tax, or what should be the foundation on which the new system of taxation should rest. He repeated his anxiety to bring forward the Corn-bill to-morrow, if he could get precedence, his desire being that it should pass as soon as possible; but at the same time he begged most respectfully to say, that upon those days appropriated to public business he meant to press the preliminary resolution relative to the Income-tax before anything else.

Lord *J. Russell* believed the right hon. Baronet was under a slight mistake in supposing that the House was anxious to pronounce an opinion immediately on the Income-tax; what the House undoubtedly desired was, that the right hon. Baronet should have an opportunity of stating generally his financial plans, and the commercial alterations he intended to propose. For his own part, he entirely agreed with his hon. Friend, that if the public interest was the sole consideration, it would be most desirable to proceed with the Corn-bill, when the question of the averages and other details, which could only be discussed in committee, might be settled. With regard to the new tariff, many parties would, no doubt, be anxious to know the precise duties that would be imposed; but the amount of Income-tax each would have to pay, all must pretty well know that already; so that whether the resolution upon that subject were taken earlier or later seemed to be a matter of very little importance. The right hon. Baronet would, no doubt, take his own course. He could only say, that he should certainly divide the committee upon the resolution, and afterwards on the report, as well as upon the first, second, and third reading of the bill.

Sir *R. Peel* said, he had heard with some regret that the noble Lord proposed to take that course; at the same time that feeling was somewhat qualified by the announcement which the noble Lord had made, that the proposition was so reasonable and so necessary for the public interests that every man, without waiting for the decision of the House, was prepared as to the amount he should have to pay.

House in a committee of Ways and Means.

THE INCOME TAX.] Mr. *Hawes* said, that the announcement which the noble Lord the Member for London had just made, of his determination to offer every parliamentary opposition to the imposition of the proposed odious and unjust system of taxation, was one which, he firmly believed, would be received with satisfaction by thousands out of doors. If the right hon. Baronet had really made out a case for resorting to the Income-tax,—if he had shown that the national honour absolutely demanded it, or that the national faith would be at stake without it, then he readily conceived that no opposition would be offered to any proposition of the kind; but it was precisely because he thought that a case had not been made out that he for one should oppose the proposition of the Government. For, though in one year there was an additional deficiency of revenue, yet it owed its origin to the course pursued by the party opposite last year. Had a different course been pursued—had a fair consideration been given to the corn duties, the sugar duties, and the timber duties, he firmly believed that at the present moment they would not be wanting the aid of an Income-tax to carry on the Government of the country. But what course was taken on these subjects? The party opposite refused to discuss them, and the right hon. Baronet having determined to prevent any real alteration of the corn and sugar duties, for the purpose of maintaining the consistency of party, and nothing else, now found himself reduced to the necessity, unless the right hon. Baronet chose to follow more closely the commercial policy of his predecessors, to resort to an Income-tax, which he did not hesitate to describe as of the most odious and unjust character. He believed that a truer remark had never been made than was uttered by the noble Viscount, the Member for Sunderland, who said nothing could be more injudicious or unwise than placing the national credit on an impost so odious as this. Let the system but once come into operation—let the secret inquisition be sitting, and bankers and others called on to disclose their private affairs, and he was firmly of opinion that so loud an expression of the public dissatisfaction would reach that House, that it would become a question whether any Government, however strong, could resist it. The right hon. Baronet, in order to make his proposition more acceptable, had told the House that he intended to introduce some few alterations into the provisions of the act of 1806; but when in 1816 the question of a property-tax came before Parliament, and Lord Bexley proposed to reduce the amount from 10 per cent. to 5 per cent., and introduce various modifications, did he succeed in conciliating public feeling? The Ministry then had a large majority, but day by day, in consequence of discussions in that House, the popular feeling rose to such a point, that at length the tax was refused, and one of the most eloquent Members of the House denounced it by declaring that "its remnants and records were only fit to be destroyed by the hands of the common hangman." The City of London teemed with complaints, not only against the principle of the tax, but against the mode in which it was carried into effect. If individuals were to be authorised to inquire into the income of others, a large amount of inquisitorial power must be given them; and he trusted, that the good sense of the people of England would never endure to see inquisitions scattered through the country, and that it would prevent the Income-tax disgracing the statute-book. On the occasion to which he had alluded, two petitions from the city of London were presented against the continuance of the Income-tax, one from the corporation, and the other from the liverymen. He wished to call the attention of the House to a passage in the petition from the Lord Mayor and corporation of London. It was there stated, that

> "Though a reduction should be made in the amount of the tax, yet the principle remaining unchanged, the petitioners were of opinion, that its operation would be still more galling. The reduction from 10 to 5 per cent., so far from making the operation of the tax less vexatious, would produce a contrary effect, and tend to the most degrading and inquisitorial proceedings."

He was decidedly of opinion, that in proportion to the smallness of the tax, the inquisitorial nature of the proceedings would be increased; for the commissioners would more rigidly require accurate returns from every individual. Consequently the tax was not only unjust in its nature, but it must become as unpopular as it was unjust. But the Opposition were taunted by the right hon. Gentleman (the Chancellor of the Exchequer) with unnecessarily advocating, because they referred to the repeal of 22,000,000*l.* of taxes, a recourse to taxes on the necessaries of life; and the right hon. Gentleman was the only person, forsooth, who thought of the interests of the poor. The Income-tax was to be taken as an indication on the part of the Government to uphold the rights of the poor, as if an Income-tax could be levied on the profits and capital of trade without its effects falling on the poor. An accusation, therefore, more shallow or flimsy could not have been brought, than that those who opposed the imposition of an Income-tax, slighted the wants and necessities of the poor. When the right hon. Gentleman made this accusation, one might have imagined that the Government were going to fix the taxation of the country on a broad and permanent foundation, and that they contemplated relieving the poorer classes from the pressure under which they laboured; and yet, after all the grandiloquent pretensions which had been laid claim to, it appeared that they only contemplated the continuance of the Income-tax for three years. The scheme of the Government resolved itself into the imposition of a miserable inquisitorial tax for three years; and then the whole country was to relapse into the old system of taxation. The right hon. Baronet opposite was not justified in imputing motives to parties in that House for opposing this tax. The whole history of taxation, and the progress of opinion, fully justified every Member in offering the most determined opposition to the odious impost. He conceived it to be his duty, as the representative of a large constituency, to give every oppositon to the proposed tax, believing it to be brought forward without adequate cause. How was the case made out? The right hon. Baronet said, that all the resources of taxation on the great articles of consumption were exhausted. He denied this. The right hon. Baronet had refused to consider an effective alteration of the duties on some articles of great consumption. Before the right hon. Baronet proposed an Income-tax, why did he shut out the House from considering how much revenue might be raised from a due alteration of the duties on sugar, on the importation of corn, and on timber? The right hon. Baronet had been pleased to say, that he gave up 600,000*l.* on timber in consideration of advantage to the trade. He believed, that the right hon. Baronet had made a much larger concession than he intended. What did the right hon. Baronet propose to do with regard to timber? All former advocates of an alteration of the duties on timber had endeavoured to show, that whilst they reduced the price to the consumer, they would bring in a large amount of revenue. The right hon. Baronet quoted the authority of Sir H. Parnell; but it so happened, that the only passage of that gentleman's work which the right hon. Gentleman read, exactly preceded that in which he pointed out the fallacy of an alteration like the one now proposed. If the right hon. Baronet had gone one step further, he would have found that Sir H. Parnell, instead of concurring in such a plan, suggested one exceedingly different from it. The passage quoted by the right hon. Baronet was as follows:—

> "The duty on timber affects and injures industry in a great variety of ways, in consequence of its being so much used in buildings, ships, machinery, &c. Countries possessing forests in the vicinity of navigable rivers enjoy great advantages in that respect over our ship-builders; and to lay a duty on timber is still further to increase those advantages. Instead of doing this, it would appear as if it were an indispensable preliminary to securing a permanently successful competition with foreign ship-builders to admit timber to be imported free of all duty."

The succeeding passage, which the right hon. Baronet did not read, was as follows:—

> "The present arrangement of the duties, namely, 10*s.* a load on North American timber, and of 2*l.* 15*s.* a load on European timber, forces, as it were, the use of the former kind, though of inferior quality. It has already been stated, that this arrangement, which has for its object to protect the timber of our North American colonies, costs the public 1,000,000*l.* a-year,—many competent judges say 1,500,000*l.* If, in place of these duties, a duty of 1*l.* 15*s.* a load were imposed on all timber, the prices would be reduced 1*l.* a load, and the revenue would be considerably increased."

[Sir *R. Peel:* I read the passage.] If the right hon. Baronet read the passage, it escaped his observation; at any rate, it was inconsistent with the right hon. Baronet's argument. Let the House consider what was proposed to be done with respect to timber; for he was prepared to contend, that a revenue might be raised from a proper adjustment of the duties, which would supply to a certain extent the deficiency it was now intended to make up by an Income-tax. According to the tariff of the right hon. Baronet, the duty on colonial timber was to be reduced from 10*s.* to 1*s.* Compare this proposition with the suggestion of the committee of 1835. They proposed to retain the duty of 10*s.* on colonial timber, and to reduce the duty on European to 40*s.*, thereby leaving a differential duty of 30*s.* The effect of the proposed alteration would be a considerable loss of revenue. He, therefore, thought that the timber duties, properly managed, might be a legitimate source of revenue. Before he left the question of the timber duties, he might be allowed to refer to those authorities by which to a certain extent those who prepared the proposed tariff had been guided; because it was to be presumed that it was put in a state of great forwardness by the late Government, as there was a tariff in the appendix to the report of the import duties committee, and Mr. Deacon Hume had begun to classify the duties. What did Mr. M'Gregor propose? He proposed a duty of 7*s.* 6*d.* on colonial timber, and 22*s.* 6*d.* on foreign timber, and he anticipated that such an alteration would raise the revenue on timber from 1,600,000*l.* to 2,500,000*l.* He calculated that there would be such an increased consumption, and consequent benefit to the consumer, that the Treasury would actually get 1,000,000*l.* more from timber. [*Cheers.*] He heard those cheers, but he was not necessarily bound to adopt those figures. He would take half a million, instead of a million, and with other sources he would make up an aggregate sum, which would justify the House in not having recourse to an Income-tax. The right hon. Baronet had put the question to the House, whether it would adopt the Income-tax, or resort to other sources of revenue? This was the question he was arguing—whether other sources of revenue might not be found which, in the aggregate, would furnish a sum sufficient to justify the House in voting against the imposition of an Income-tax. There could not be a higher authority than Mr. Hume. He was an advocate for a reduction of the timber duties, and he proposed to obtain at least 2,500,000*l*. by a new mode of levying the duties. The opinion he expressed before the committee in 1834, and which he entertained to the last hour he lived, was, that full a million might be obtained by a new adjustment of the duties. He would now advert to the sugar duties. They were, it appeared, not to be taken into consideration "at present," if he might quote an expression which was much commented on last year. He should like the country distinctly to understand on what ground resistance to an alteration of the sugar duties was maintained. Was it intended to uphold the West-Indian monopoly as a monopoly; or was the alteration of sugar duties refused on the ground that Parliament ought to give no encouragement to slave produce? If the latter was the reason, then why did the right hon. Baronet propose to lessen the duty on tobacco? [Sir *R. Peel:* The reduction only extended to the East-Indies.] His argument was untouched by that remark; because no one could be found to justify the exclusion of slave-grown tobacco. He would refer to a few facts to show the operation of the sugar duties. The consumption of sugar, and the revenue derived from it, were much the same in 1841 as in 1828; and yet the population had increased at least in the ratio of 16 per cent. If he should be told that the quantity of sugar imported was now increasing, his answer was that the population was increasing; and in a greater ratio; for if the consumption of sugar for the last ten years were examined, there would be found a great falling off in the consumption per head. Why, then, should the House be debarred from considering this source of revenue, when the alternative offered was an Income-tax? If, the sugar duties were to be excluded from consideration, in order that the West-India monopoly might be maintained, then it was right that the country should clearly understand how dearly they were paying for this monopoly. I was gradually spreading through the country a conviction that free-grown sugar, under a system of free-trade, might successfully compete with slave-grown sugar from any part of the world. But with regard to sugar, no one doubted that by a judicious alteration of the sugar duties, the revenue obtained from sugar could be increased from 800,000*l*. to 1,000,000*l*., and 500,000*l*. at least might be obtained from timber. He had a right to quote the official servants of the Crown as authorities to be relied upon, backed as they were by the experience of various practical men, and upon that authority he would state that amount might be derived from timber and sugar, and he would assert that there was no necessity for the proposed Income-tax. The right hon. Baronet had never told them what revenue he expected from corn. It was an extremely difficult subject, said the right hon. Baronet, and he was unable to form any opinion, notwithstanding all the intercourse he had had with practical men and official servants of the Government, whether the corn bill would or would not be the means of introducing much or little corn into this country. They must test the value of the right hon. Baronet's concession to the people by that admission. It would be bad, and very bad, if it left the corn-trade where it was, and he could not, therefore, help thinking, that it was not so very difficult to form an opinion upon it. He found, indeed, that some who were engaged in the corn-trade thought it would raise the revenue—that there would be a higher average duty imposed on corn—that more corn would be coming in at that rate of duty, and therefore, there would be a larger revenue. He, believed, that from that source 1,200,000*l*. might be obtained, and therefore from corn and timber he could get 1,700,000*l*. Before they resorted to an Income-tax they ought to try every other resource. Now, he denied, that all other sources of taxation were dried up. All that was requisite was a large and comprehensive review of the tariff, with reference to the well-being of the community, and if that were done they would derive a revenue equal to that which they would derive from the Income-tax. He hoped that he should not be hereafter taunted if he opposed this measure, as he meant to do, with delaying a measure of importance to the country. He denied that he did it for the purpose of delay. Hon. Gentlemen on the Ministerial side had done the same thing last year, and they had, therefore, no right to impute to him any intention to cause an unfair delay in the consideration of the Income-tax. He fell back on the principles of finance of the late Government. Upon those principles he stood; and he was sure that they would bear him out, and could produce a revenue equal to the tax that was now proposed. He asked them to shew him whether he overrated the revenue which he expected to derive from corn or timber? But were there no other sources? Were they confined to those great articles of consumption? The right hon. Baronet never mentioned one great source of taxation, namely, real property by descent. If there were an alteration of the stamp duties, and they were fairly imposed upon that kind of property, he had every reason to believe and he never knew one who did not believe, that an enormous revenue would be derived from it. It was, therefore, exceedingly hard that the right hon. Baronet should throw upon them the necessity of an Income-tax without fairly and honestly bringing forward every source of taxation. When the national honour and the public credit were at stake, he would never sacrifice them, but he denied that they were so at that moment. They ought not to be called upon for a war tax. They might, indeed, call the war in China or Affghanistan, a war, and compare it with that of the French revolution, but no man in his senses could believe in the comparison. But this was not a tax upon them to support a war in Affghanistan. The people of England never would submit to it for retaliatory measures of bloodshed. Why did they enter Affghanistan? But was that any justification for retaliatory measures? Were they to go on in a wrong course? And that, too at the sacrifice of the lives of innocent persons? He hoped that when the vote was proposed for an increased grant on account of that war, the sense of the House might be taken upon the subject. He knew the grounds upon which that policy was recommended to the House, but he never heard the House condemn it. The right hon. Baronet, the Member for Dorchester had given notice of a motion to call the attention of the House to certain papers which had been laid on the Table connected with the Affghanistan war; but did he do so? No. In silence he passed over it, and therefore, he supposed that the right hon. Baronet was either convinced by those papers, or thought the House would arrive at a conclusion contrary to that which he wished them to come to. He hoped, then, that no tax would be charged upon this country to support a retaliatory and bloody war with a people whom, however atrociously they might have acted on a late occasion, he could not but regard as bravely fighting for their own national independence. But now as to the stamp duties. He would quote the opinion of a gentleman who was a very competent authority upon the subject. The question of the uneven state of the present stamp duties had often been discussed, and upon that subject Mr. Humphreys said:—

> "We have seen that the stamp duties charged on real and personal estates, though about equal in amount, affect totally different transactions regarding them. Thus, on the one hand, land is not charged with any duties on the following occurrences:—1, Settlements; 2, devises; 3, succession on intestacy, although personality is charged to the amount of nearly 2,000,000*l.* under these different articles. On the other hand, personal estate, or at least the most important part of it in this country—namely, the Public Funds, Bank, and East India stock—is not charged with any duties on sale, whilst these form an item among taxes on land amounting, after making allowances for mortgages, to about 1,800,000*l.* Let then, each of the foregoing classes of real and personal property be charged with the stamp duties, from which it is at present free, but which are borne by the other of them, and an additional revenue will be produced of about 3,500,000*l.*, collected at the smallest expense with a machinery already established, and either included in the transaction, as on sales, or paid with alacrity by those who, at the same instant, succeed to the property."

That, he conceived, would be the result of an adjustment of the stamp duties, and equally imposing them on real property by descent. The personal property alone included in the last returns of one year was about 40,000,000*l.*, and the rate of duty paid upon that, was on the average, from 5 to 10 per cent.; at the same time he himself should prefer that the whole amount of personal property should be subject to a fixed duty, and be relieved altogether from the charge of an Income-tax. Why, then, did the right hon. Baronet say, that they must have an Income-tax? Because the wine duty did not in the course of three years realize the amount expected from it? The right hon. Baronet quoted only three articles, by no means large or important, and because there had been a failure in two out of those three, he came to the conclusion that there were no other sources of taxation. As to the Income-tax it was one which he held to be essentially unjust in its operation that that alone, short of some actual necessity or great and overwhelming emergency, almost approaching to foreign invasion, would justify every opposition which it was in the power of every hon. Member to give to it. It could, too, only be collected by the most odious process; and when collected, it would be an unequal charge on property of different descriptions. Life annuitants and professional men with the contingencies of health would be all charged at the same rate as owners of lands in fee simple. That was perfectly monstrous and unjustifiable. Mr. Sayer, in his work on the property-tax, attempted to show the ratio of value between different kinds of property. Assuming a rent from land in fee simple of 100*l.* to be worth 100*l.*, he estimated what the comparative value of the same amount of income ought to be if derived from any other source.

	Nominal Income of £100 equal in relative value to		
1. Rent of land in fee simple and perpetuity	£100	0	0
2. Interest of mortgage, or other incomes	90	0	0
3. Interest in perpetuity of permanent public stocks and securities	85	0	0
4. Rent of land entailed on the family of present proprietor .	80	0	0
5. Profit of commerce, manufactures, and trade, derived principally from capital	75	0	0
6. Rent of land entailed on other than the family of present proprietor, or on one child only	70	0	0
7. Annuities for life or terms of years, on Government Securities, or other perpetual funds	66	0	0
8. Pay and profit of public servants and other public authorities	60	0	0
9. Profits of trade and occupation of land derived principally from, or wholly from, skill or industry	50	0	0
10. Profits of professions from the same	50	0	0

Hon. Gentlemen opposite, might perhaps, object to the details of his calculation, but common sense told them there was a great difference between an annuity and a rent in fee simple, and between those and an income derived from the exercise of industry. Let them take the calculations as they pleased, still they must know that there was an enormous difference between incomes derived from land in fee simple and from the labour and skill of the manufacturer and professional men; and though perhaps not perfectly accurate, yet still the scale showed the inherent injustice of anything in the shape of an Income-tax that should apply equally to all incomes. But there was another way in which that might be answered very successfully. Application had been made to the right hon. Baronet by many persons in London to consider some adjustment of the duty on terminable annuities. He might take the case of an insurance office that had invested a part of its funds in these terminable annuities, and their position would be this:—

£1,500	Annuities for Terms of Years, ending October, 1859.			
800	Annuities for Terms of Years, ending January, 1860.			
£2,300	at an estimated cost of . .	£30,000		
	7d. in the pound on £2,300, would amount to	£67	1	8
	The same sum of £30,000 laid out in 3 per cent. consols. would produce an annual income of £1,000, on which *7d.* in the pound would amount to	29	3	4
	Difference . . .	£37	18	4

That is to say, the difference in the charge on the sum of 30,000*l.* laid out in terminable annuities or perpetual annuities—being 37*l.* 18*s.* 4*d.* per annum against the former. Could that be just? Before they were warranted in imposing such a tax the Government were bound to show them that it was perfectly inevitable; but the right hon. Baronet had not done that. There was another observation in Mr. Sayer's book—which was a most able work—which he would state to the House. Mr. Sayer stated that the gross estimated amount of income, when the former tax was imposed, was 170,000,000*l.*, but taking that as the gross amount, yet in schedule A, according to the returns made to the tax-office, 10,000,000*l.* were never returned at all. In schedule B 10,000,000*l.* were never subjected to the tax. In schedule C 6,000,000*l.* were deficient; and in schedule D 13,000,000*l.*; in all, 49,000,000*l.*, or about 30 per cent., were never subjected to the Income-tax. So that on the imposition of this odious tax, notwithstanding their power of summoning witnesses and their inquisitorial efforts, they failed, and justly failed, to realize anything like the assessed amount. How hardly did that fall on the honest man. It was a system that spread, or rather held out temptation to perjury to an extent which was perfectly frightful; and much had he to answer for who thus led men into such a trial, and at the moment of the greatest distress held out to them the temptation of making false returns. As they gave power to their commissioners, special commissioners, and treasury commissioners—for there was to be a cloud of them, it seemed—to ascertain the incomes of individuals, so would they increase crime to a degree unheard of in this country. He could hardly conceive any one imposing such a tax except on an emergency, which would absolutely leave them a prey to some foreign invader unless they consented to pass such a measure. On the other hand, he believed that their sources of taxation were unimpaired, and were abundant, without resorting to this most odious one: and if he wished to see this country agitated and disturbed with fresh causes of agitation and disturbance, he could not find one source more certain than that which the right hon. Baronet had fallen on. Allow him, too, to say that the consequences of this imposition, and of the discussion of the Corn-bill, which the right hon. Baronet said would reconcile the country to that bill, but which assertion he was not able to confirm, for he believed that that measure had given contentment neither to the farmer nor the manufacturer, and that the consideration of that question was not settled, but that they would still have to struggle with it, and make fresh modifications and concessions which in all probability might have been effected in one just and comprehensive measure—the consequences, he said, of that discussion, and of this tax, might be most serious to the country. The right hon. Baronet told them that another cause of the Income-tax was that it fell on the property of the country, and not on the poor; but, at the same time, the right hon. Baronet maintained the Corn-tax to an amount which the highest authorities said was a charge of 20 per cent. on the incomes of the lowest classes. ["*No, no.*"] The right hon. Chancellor of the Exchequer shook his head; but allow him to say, that although the right hon. Gentleman was a high authority in that House, yet there were persons out of that House who were of equal authority on matters of this kind. He would refer to the opinions of one gentleman of great respectability in the City of London, and largely connected with the property of the country; he alluded to Mr. Jones Lloyd; and in matters of economy of this kind his opinion would have the greatest weight, he said,

> "If we estimate, it was stated in the hand-loom weavers report, the average income of a poor family at 10*s.* a week, the average number of persons in each family at four, and the average price of corn at 60*s.*, their expenditure in bread cannot be less than 5*s.* a-week; and if the Corn-law raises the price of bread 20 per cent." (as they showed it did) "that operates as an income-tax on the poorest families."

The declaration then, that resort was had to this tax that it might fall on property and save the poorer classes, came with a bad grace from the right hon. Baronet whilst he consented to maintain the Corn-duties. Such a display of benevolence came not well from him who was the advocate of a Corn-tax on the poorest labourer. He had detained the House, he feared, too long, but he would only say that the noble Lord should have his most earnest support in every possible opposition he could offer to this measure. He might, indeed, quote the language of the noble Lord the Member for North Lancashire on the important occasion when he said it was his business to obstruct Her Majesty's Government. [Lord *Stanley*: "No," obstruct their measures.] Yes; that was the word. He heard the noble Lord say it. He was the last person to quote things of this sort carelessly, but he believed he heard the noble Lord use those words, and that in every newspaper and account of the Parliamentary debates of that night he could find them recorded. He did not mean to offer a vexatious opposition in the sense in which he understood those words, but he should certainly offer every opposition in his power; and if vexatious to the Ministers of the Crown. He would not put a construction on the words of the noble Lord; but he knew what was the construction put upon them at the time, on his side of the House, and that it was considered to be as unguarded a declaration as ever fell from a leader of the Opposition. But he meant to oppose the Government. He cared not whether he stood alone, but he would give every opposition to this bill, as an unjustifiable measure, the necessity of which was not proved, which would cause a most odious inquisition, and would lay the foundation of a vast amount of national vice and misery. On those grounds he would take every opportunity of giving to it his most hearty and determined opposition.

Mr. Alderman *Thompson* said, that the hon. Member who had just sat down began by stating that he would show to the House that there were other sources of taxation without resorting to an income-tax; but he would appeal to the House whether the hon. Member had not signally failed in the attempt. As to reducing the sugar-duties, the hon. Member did not tell the House whether it was to be in the scale proposed by the late Chancellor of the Exchequer. If, he did, then his opinion was, that that House would have acted most injudiciously if they had adopted that plan. A great sacrifice had been made with respect to slavery in the British colonies; an example had been held out to other countries, and he believed was being followed by many of them at that moment; and under those circumstances he could not have voted for such a measure as was proposed for a reduction of the sugar taxes. He would also ask the House whether, situated as this country was, it would have been prudent for the Chancellor of the Exchequer to have proposed a measure of finance which was not founded on a solid and substantial basis? Under the present circumstances there was an imperative necessity for a bold decisive measure. Did the hon. Member suppose that the war existing was confined to China and Affghanistan? Was he not aware that several of the provinces of India were in a most critical position? At such a conjuncture was there not a loud call for the strongest measures? What said the right hon. Gentleman the late President of the Board of Control, when the First Minister of the Crown had made his statements respecting our Indian disasters? Had not the right hon. Gentleman emphatically declared that the Premier's resolution would be re-echoed not only by the House, but through the country? It was impossible to expect the Indian warfare to be carried on with the requisite vigour, unless the necessary funds were at the disposal of the Government. But looking at the wise, just, and honest reform of our commercial system which accompanied the new tax, he thought the country might cheerfully accept the measure. At all events, it was by such a measure alone that the pernicious system could be put an end to which had so long been followed by the late Government—the practice of perpetual borrowing. Let the House and the country bear in mind the loss of credit which had been the consequence of such proceedings in some of the American states. Let them remember the examples, in like manner, of Spain and Portugal, and they could not but perceive the urgent necessity for putting an end to a practice so fraught with dishonour and with danger. How had the existing embarrassments been occasioned? By the mismanagement and impolicy of the late Administration in regard to India and China. It was not, let it be borne in mind, the present Government which was responsible for our warfare in the East. In regard to the levying of the new tax, thus rendered as he thought necessary, it would be made much less onerous by the provisions respecting the various commissions of adjudication and appeal. And no doubt the Ministry would manifest a generous and confiding spirit, giving credit to the people for a disposition to act honestly and honourably. The title of a British merchant had been long deemed synonymous with that of honour, and he hoped that by a British Minister this confidence would never be weakened. There was only one point in the new tax which he deemed open to serious objection; and, though the right hon. Baronet had declared his determination not to relax his measure, he might yet be induced to reconsider this case—that of the Government annuitants. It seemed unjust that the holders of terminable should be assessed as highly as the holders of interminable annuities; and let it be remembered that by the act 10th George 4th, chap. 29, the public had been encouraged and induced to convert perpetual into terminable annuitants; and the result of the new measure would be, that these parties would pay on their shorter annuities three or four times the amount which they would have had to pay on their perpetual annuities. Trusting that this point would be considered, and believing it for the real interests of the community that this great measure should pass, he intended certainly to give it his support.

Sir *W. Clay:* The resolution before the committee called upon them to assent to the first and most important portion of the right hon. Gentleman's scheme of finance—to the imposition of an Income-tax. To that scheme he thought there existed the greatest objections, whether, on the grounds of justice or policy. Those objections he should proceed to state in the shortest and simplest terms. The country was in financial difficulty, the revenue fell short of the expenditure; the right hon. Gentleman proposed to meet this difficulty—to equalise the income and expenditure by taking at once, and by a direct process a portion of every man's property. It would be in the recollection probably of the House, that the right hon. Gentlemen once said, that for a Government to get rid of a political or administrative difficulty, by a grant of public money, was a vulgar expedient. Now he (Sir W. Clay) would not retort upon the right hon. Gentleman his own expression, he would not say that, for a Minister to get rid of a financial difficulty by at once thrusting his hands in the pockets of the people was a vulgar expedient; but he would say, that it was an easy expedient, an expedient requiring no very great stretch of ingenuity; it was financiering made easy, an expedient accordingly level to the capacity of the least civilised people, and in the most barbarous times. The aids and benevolences of our Plantagenet sovereigns were levied on the simple plan of taking a certain portion of every man's goods. On the same principle the Mogul conquerors of India taxed their conquered provinces. It was indeed, the ordinary process by which stronger parties helped themselves. In modern times, in free countries especially, it had been thought expedient, and found possible to provide for the exigencies of the state by the gentler process of indirect taxation—a process which left to every individual in some sort, the power of taxing himself, and regulating, by his own convenience, the amount of his contribution to the revenue required for the necessities of the State. If there existed such a thing as fiscal science—if there were any art required in the vocation of a Minister of finance beyond the simply taking from the people by the strong hand of power, such a portion of their property as would make up the necessary amount of the public income, surely the problems to be solved by that science—the objects to which that art should be directed were first to render taxation as little oppressive, as little felt as possible by those on whom its burthen was laid; and secondly, and that was by far the more important object to take especial care that by the operation of the taxes imposed the sources of national prosperity were not affected, nor the surplus income of the community, from which alone taxation could be drawn—thereby diminished. Did the scheme of finance of the right hon. Gentleman satisfy those two conditions? On the contrary, it would seem to have been constructed with a studied disregard to both. One part of his scheme consisted of direct taxation in the most harsh, unequal, and oppressive form in which it could be imposed; the other, of a system, the system of the Corn-laws, which directly tended to lessen the power of the community to support taxation—by lessening the profits of capital and diminishing the demand for the labour of the operative, whilst it enhanced the cost of his subsistence. So much had been already said on the objections to an income-tax as a mode of raising revenue—whether, on the ground of fairness or convenience—those objections were so palpably inseparable from the tax itself, they had been met by so little reply, that he scarcely felt it necessary to trouble the committee with any observations on that point. With the appearance of equality, the Income-tax was perhaps of all, all that conld be devised —the most unfair and unequal in its operation. Nothing short of omniscience could enable them really to apportion such a tax justly to each man's means; and even the rudest and most incomplete approximation to fairness could only be obtained by a process the most harsh, inquisitorial, and offensive. So forcibly was this felt by the right hon. Gentleman, that he wisely abandoned even the attempt to diminish in any one single instance the glaring injustice of the operation of the tax, feeling that if he gave way but in a single instance, a hundred other cases would be forced on his notice of injustice as striking as that which he had remedied. He would be obliged to make concession after concession, and his scheme would become impracticable. Like the Triumvirs of old, he felt, probably, that if justice or compassion were once permitted to suggest an exemption, his proscription would be spoilt. But what an admission of the right hon. Gentleman. Let the House look at the case with respect to which his declaration of Friday evening was made, the case of the terminable annuities. Others might be found appealing more directly to the feelings, but none, perhaps, of more striking injustice. The Bank, as well as other great public bodies (if he were rightly informed, all the Life Assurance Companies in London had joined in a remonstrance to the right hon. Gentleman on the subject) had been expressly invited—as the committee were well reminded by the hon. Gentleman who had spoken last—by the 10 Geo. 4th, c. 24, to exchange the stock, the perpetual annuities they held, for terminable annuities. They had done so to the amount of very many millions, receiving, of course, a much larger amount of annual return than on the stock they transferred. But this annual return was not interest, not income, in most cases half, in many cases more than half was the repayment of capital. To tax the whole of it as if it were interest, was to tax the same parties twice, once on income, and again on capital. The transaction, looking at the circumstances under which the original change from perpetual to terminable annuities was made, was a positive breach of public faith. Again, the right hon. Baronet had told them, that the process of collection was to be substantially the same as under the old law, a process which had formerly produced, and must again produce that same amount of wrong, vexation, and crime, so powerfully described in the petition from the city in 1816, read to the House on Friday by his right hon. Friend, the Member for Portsmouth. Did hon. Gentlemen wish to have a clear and vivid conception of the working of an Income-tax? Let them read the article reprinted by the Times newspaper from its own columns in 1816, an article so graphic and forcible, as to shew in the clearest manner, the feelings that the tax excited in the minds of the generation which suffered under it. The hon. and worthy Alderman who had last addressed the committee, although aware, that the right hon. Baronet had stated his intention to be to modify but very slightly the process of collection defined by the act of 1806, yet expressed a confident hope, that the tax would not be severe in its operation. The hon. and worthy Gentleman was very easily satisfied. He anticipated, too, that Government would direct the levy "in a generous and confiding spirit." Imagine a tax-gatherer manifesting a "generous and confiding spirit!" Why, he could not do so, without betraying his duty. The tax, whatever it was, if it ought to be levied at all, ought to be levied in a firm and uncompromising manner. One exception there was indeed to the inquisitorial operation of the tax, and that exception was, as might have been expected, in favour of the landed interest. The books of the farmer, of the capitalist who employed his capital in the cultivation of land, were to be free from inspection, his profits were to be estimated by an arbitrary, but a most lenient rule. The farmer's profits were to be estimated at one half his rent, and he was to be saved from any inquisition into his income. Against this monstrous exception, he (Sir W. Clay) on behalf of his constituents, protested on every ground of justice and fairness, he would not now state those grounds, he would do so on some future occasion, when he should probably propose an amendment to the bill in this particular. He would say no more on this branch of the question; he would state only his deliberate conviction, that such was the odious nature of this tax, that it was one to which no free people ought to submit, but under circumstances, to which the present circumstances of this country had not even the remotest analogy. The right hon. Gentleman said it was a case of necessity. He denied the necessity; or if there were a necessity, it was one purely and simply of the right hon. Gentleman's own creating. He would not refer to the contrast between the dark period when the nation acquiesced in the endurance of the tax, and the present times. He would make no comment on the comparison—the almost ludicrous comparison—between the wars in which they were now engaged with barbarous powers at the other side of the globe, and the fierce contest in which England struggled for existence against the greatest power the world had ever seen, wielded by the greatest intellect. He would waive all such considerations. Whether their perils were great or small, he asserted, and would prove, that there was not in the social or financial condition of the country the slightest justification for the desperate expedient by which the right hon. Gentleman proposed to supply the deficiency of the revenue. The necessity arose only from the policy of the right hon. Gentleman himself. The Income-tax was the price that the country was to pay for the maintenance of the principle of the old Corn-laws, for the maintenance of the sliding-scale, the price for class legislation, the price for the protection of powerful interests at the expense of the rest of the community, the price for monopoly. Did hon. Gentlemen deny that? He would prove it by the unanswerable logic of facts. The right hon. Gentleman said, they had reached the limits of taxes on consumption, he denied that they had even approached those except in consequence of their own unjust and absurd legislation? What was the necessary limit of taxes on consumption? the extent of course of the power on the part of the people to consume taxed articles. But what was the limit of that power? the amount of the net aggregate income of the whole community, after replacing the capital employed in production, and the cost of subsistence of the labourer. A net surplus of income was the only resource on which an individual could permanently rely to endure any burden on his finances, and as the cost of his subsistence was lower, so would his surplus be larger. That which was true of one man was true of a nation, and in the precise degree that the price of the chief article of subsistence, bread, was lower, would it be found that the power of the people to consume articles paying Customs and Excise duties was increased, that the power to endure taxation was enlarged, and the revenue consequently improved. This conclusion he thought sufficiently obvious upon *à priori* reasoning, but it was supported also by facts so remarkable that he trusted to be pardoned by the House for referring to them. He would read to the House the results of a calculation showing the effect of the price of corn on the revenue since the termination of the war and contrasting the periods of high and low prices.

Statement of the gross receipt of revenue from duties of Customs, Excise, and Stamps, and from assessed taxes (drawbacks and payments of the like nature deducted, but without deducting the charges of collection), the estimated amount of taxes imposed, or repealed; the actual increase or decrease of revenue, and the mean prices of Wheat, as per *London Gazette*, in successive periods, from 5th January 1815 to 5th January, 1841:—

	s.	*d.*			£
1815.—Price of wheat, 63*s.* 8*d.*			Revenue, including—in addition to the taxes above stated—the Income-tax, repealed in 1816		75,045,882
1816	76	2	Revenue of 1819		54,257,060
1817	94	0			
1818	83	8			20,788,822
1819	72	3	Taxes repealed from 1816 to 1819 inclusive	£17,862,848	
			Less taxes imposed	3,486,707	
Mean	81	6			
					14,376,141
			Real Loss of Revenue		£6,412,681

	s.	*d.*			£
1820	65	10	Revenue of 1819, as above		54,257,060
1821	54	5	Ditto 1823		54,466,845
1822	43	3			
1823	51	9			209,785
			Taxes repealed from 1820 to 1823 inclusive	£6,800,145	
Mean	53	10	Less taxes imposed	183,040	
					6,617,105
			Real increase of revenue		£6,826,890

	s.	d.
1824	62	0
1825	66	6
1826	56	11
1827	56	9
Mean	60	6

		£
Revenue of 1823, as above		54,466,845
Ditto 1827		52,036,840
		2,430,005
Taxes repealed from 1824 to 1827, inclusive	£7,528,825	
Less taxes imposed	307,832	
		7,220,993
Real increase of revenue		£4,790,988

	s.	d.
1828	60	5
1829	66	3
1830	64	3
1831	66	4
Mean	64	4

		£
Revenue of 1827, as above		52,036,840
Ditto 1831		48,041,966
		3,994,874
Taxes repealed from 1828 to 1831, inclusive	£5,837,188	
Less taxes imposed	1,325,556	
		4,510,632
Real increase of revenue		£516,758

	s.	d.
1832	58	8
1833	52	11
1834	46	2
1835	39	4
1836	48	6
Mean	49	1

		£
Revenue of 1831, as above		48,041,966
Ditto 1836		50,036,973
		1,995,007
Taxes repealed from 1832 to 1836, inclusive	£5,555,594	
Less taxes imposed	246,716	
		5,308,878
Real increase of revenue		£7,303,885

	s.	d.
1837	55	10
1838	64	7
1839	70	8
1840	66	4
Mean	62	11

	£
Revenue of 1836, as above	50,036,973
Ditto 1840	49,567,518
	469,455
Proportion of the taxes imposed in 1840, estimated as receivable to 5th January, 1841	1,443,000
Real loss of revenue	£1,912,455

The first inference from the figures to which he had referred was, as the committee would observe, that the revenue uniformly fluctuated inversely as the price of corn, rising as the price declined, and falling as it advanced,—but independently of that general tendency—the facts as to the prices of corn and the fluctuations of the revenue—especially within the last ten years led to most important conclusions as regarded the question then under the consideration of the committee. From 1832 to 1836 inclusive, the revenue increased in round numbers 7,300,000*l.*, that is to say, there was an absolute increase during that period of 2,000,000*l.* and a remission of taxes to the extent of 5,300,000*l.*, now what had been the price of wheat during that period? why singularly enough, as nearly as possible the very price at which they had been assured by the right hon. Baronet the Member for Dorchester, it would have stood under the Corn-law proposed by the late Government. That right hon. Gentleman had told the House, that wheat could be imported at 40*s.* per quarter—if to this 8*s.* duty be added, they had a price of 48*s.* per quarter or 1*s.* less than the mean price of the five years, during which the revenue improved so remarkably. It was singular again, that during the four following years of high prices—of which the mean was 62*s.* 11*d.*, or nearly 14*s.* per quarter above the mean of the preceding five years, the diminution of the revenue amounted to 1,900,000*l.*, or within 400,000*l.*, of the deficiency in the year 1841. Was he not, therefore, justified in assuming that had such an alteration of our Corn-laws been made as would have kept wheat at about the price of the years during which the revenue so greatly prospered there would have been no deficiency, and no necessity therefore for an Income-tax. He was satisfied, that he was justified and more than justified in that assumption, for he had only taken the revenue as remaining stationary, whereas under the circumstances he had supposed all their experience would lead to the expectation of a rapid increase. But it might be said, he looked only to the future—that the considerations he had addressed to the committee even if correct—only showed a high probability of a prospective improvement of the revenue—how would he meet present difficulties—how would he deal with the existing deficit? In his opinion, the reply was easy. It would be recollected, that in referring to the alteration of the Corn-laws proposed by the late Government—he had only stated what would be its general effect on the revenue,—he had not taken into consideration its operation as part of the budget of last year. What would have been its operation in that respect—what would have been the effect of the alterations proposed in the duties on corn and timber—what in short would now have been the condition of the finances if the budget of last year had been adopted? The committee had been assured by his right hon. Friend the Member for Portsmouth,—that if his budget had been adopted—they would in addition to the actual receipt—have got—

From Corn . . .	£529,000
Sugar . .	530,000
Timber . .	600,000
Together . .	£1,659,000

and the deficiency therefore would, instead of being 2,300,000*l.* only have been (and until he heard some better reply than was given by the right hon. the Chancellor of the Exchequer, he thought he might rely on the figures of his right hon. Friend,) from 600,000*l.* to 700,000*l.* For the coming year, he (Sir W. Clay) doubted whether there would have been a deficit at all—as appearances rendered it probable, that a much larger sum would have been received from corn than that for which his right hon. Friend had taken credit, as the result of his budget in the year now about to terminate. But supposing even,—and it was a large admission—that there should have appeared a probable deficit of 1,000,000*l.*, would that have been a prospect so formidable as only to have been met by the imposition of an Income-tax? At the risk of being classed by the right hon. Baronet among the mean spirited persons not desirous of emulating the virtues of their forefathers at the time of the mutiny at the Nore,—he would confess, that he should have been ready with a deficit of only 1,000,000*l.* and a confidence amounting to conviction, that that deficit would speedily disappear—to have supplied the necessary funds by an issue of Exchequer bills; an issue, which, looking at the present amount of the unfunded debt, he did not believe would have been found inconvenient or excessive. If this, however, were thought unadvisable, did any sane man believe that an addition to our revenue of 1,000,000*l.* could not have been made by any means less objectionable than an Income-tax? There was one other inference not unimportant to be drawn from the statements to which he had called the attention of the House; it was this, that they furnished a very striking argument in reply to the remarks of the right hon. Gentleman, on the effect of reduction of taxation. The right hon. gentleman had referred to the cases in which large reductions of taxation on particular articles had taken place, and shown with truth, that with regard to some, wine for instance, the revenue derived had never regained its old amount; with regard to others, such as coffee, it had only done so after many years; and see, said the right hon. Gentleman, with some triumph, how false are the anticipations of augmenting revenue by reducing duties. But did the right hon. Gentleman really think, that when duty was reduced on any one article of consumption, that it was on that article alone, that an increase of revenue was to be expected? Did he suppose, that any one meant to say, that if they took off half the duty on wine for instance, that every man who drank wine would immediately drink double the quantity, or that the number of wine-drinkers would immediately be doubled? Assuredly the reduction of duty was justified on no such idle expectation; that which was anticipated was, that individuals finding they had at command, that portion of their means formerly absorbed by the remitted tax, would purchase other articles subject to Customs or Excise, and thus add to the revenue, whilst they extended the sphere of their own enjoyments. Was that an anticipation which experience had shown to be false? From 1832 to 1837, 5,300,000*l.* of taxes had been taken off, but the revenue had nevertheless, been augmented to the extent of 2,000,000*l.* But then, said the right hon. Gentleman, in further justification of the Income-tax, look at my tariff; look at the reform of the commercial code, which an Income-tax will enable me to effect. He confessed he could not consider the right hon. Gentleman peculiarly successful in his character of a commercial reformer. A commercial reform, from which corn was omitted, at the particular desire of the agricultural, and sugar of the West-India interest. The play of *Hamlet*, with the part of Hamlet omitted, by particular desire! To what absurd anomalies,—to what injustice must not such omissions lead—free-trade in one article, monopoly in another, duty almost nominal perhaps upon some article of foreign manufacture, a duty all but prohibitory on the raw material, of which the same article is manufactured here. Take starch for instance, an article with respect to which he had recently presented a petition, from some most respectable persons among his constituents. One quarter of wheat, on which the duty would be, under the new Corn-law, and at the price calculated on by the right hon. Gentleman, of 56*s.*, 16*s.*, would produce one and a half hundred weight of starch. But the duty on foreign starch would be by the new tariff, only 5*s.* per cwt., or 7*s.* 6*d.* on 1 cwt. and 2 qrs.; and the foreign starch manufacturer would therefore have a bonus of more than 100 per cent. over the British manufacturer. But he would not be tempted to go into an analysis of the tariff; he thought there was much to remark on many of the items, in addition to those on which comment had already been made by hon. Friends near him, but on that head he would reserve any observation to a more convenient opportunity. The right hon. Gentleman took great credit for calling as he said on the different classes to bear their fair share of the public burdens, for sparing the humbler classes. That boast came with but a bad grace from the Government which had proposed a tax of 40 per cent. on the poor man's loaf; half the poor man's income was expended on bread, and the right hon. Gentleman's title to be considered the poor man's friend—the evidence that he spared his humble means while he taxed the affluent classes consisted in this—that whilst by his Corn-law he laid on the poor man a tax equivalent to 20 per cent. on his income, on the rich man's income he laid a tax of 3 per cent. While by his Corn-law he enhanced the cost of the grain annually consumed in England, probably from twenty to thirty millions,—on the rent of the landholders for whose benefit that enormous burden was laid on the people—he meant to lay little more than one million. Would the right hon. Gentleman really earn the title of the poor man's friend? Let him retrace his steps—let him instead of persisting in the paltry and temporizing policy which had dictated his alteration of the Corn-laws, sweep from the statute book every vestige of that wretched system, and give to the country a free-trade in corn with a moderate fixed duty, the only mode in which protection to the landed interest could be reconciled with the interests of the community. Then indeed might he call himself the poor man's friend; for while he lowered the cost of his subsistence, he would augment in a degree hardly to be calculated the demand for his labour. Their present policy was suicidical. With proof on every side that profits were falling, that worst symptom of national decline, (and among those proofs by the way as he might take occasion to show on some future evening, not the least pregnant, was afforded by a very remarkable portion of the measure then before the House), with the knowledge they possessed or ought to possess, that the only mode of averting this fall of profits, was by enlarging the field for the employment of capital; they clung with insane tenacity to a system, which beyond all doubt, by the admission of all parties tended fatally to limit the extension of that field. He confessed he looked with anxiety, almost with despair, at the course they seemed determined to pursue. He was aware that even under their present system, there might and probably would occur periods of prosperity which would cause the alarms he was then expressing to appear groundless or exaggerated, but the result of their policy was not the less certain. Unhappily, the powerful class by which that policy was mainly supported, were by its immediate effect rendered blind to its ultimate tendency. Unhappily it was true not only that the maintenance of high rents of land was compatible with falling profits, but it was even true, that for a time a fall of profits might even tend to raise rent, inasmuch as the less field there was for the profitable employment of capital, the less profit was to be made by the use of it in other occupations than tillage, the keener would be the competition for land, the larger share of his profits would the capitalist give up to the owner of that land for the use of it. But that state of things could not last. It had been his fate to hear those manufacturing classes, once the pride of England, whose prosperity was once considered identical with the prosperity of the country,—assailed amid the cheers of Gentlemen opposite with the fiercest vituperation—well—the landed interest might not long perhaps be troubled with their presence. Let them on the one hand persist in restricting the market for our manufactures, let them on the other harass the manufacturer by taking—by an inquisitorial and offensive process a portion of those profits they had done their best to lessen—and he would probably transfer to other lands those pursuits which they apparently contemplated with such strong disapprobation; but let them not suppose that 3 per cent. would then suffice to pay their share of the public burdens. The wealthy capitalist, the skilful operative might quit their shores, but the landowner must perforce remain, to share, and more than share, the ruin which legislation, conducive as he had fondly supposed to his especial benefit, had entailed on the community. But he would no longer trespass on the indulgence of the committee. He objected to the measure now under their consideration, because it was a part and an essential part of the system of policy he so strongly deprecated, and its adoption would facilitate the perseverance in that system, because it was the price of monopoly—because even allowing that cases of necessity might arise which would render justifiable the resort to a tax so harsh, inquisitorial, and unequal in its operation as an Income-tax, no such necessity had been proved then to exist, but on the contrary, it had been proved to demonstration that the deficiency of the revenue might be supplied by other and unobjectionable means. For these reasons he should give to the measure of the right hon. Baronet in every stage his most strenuous opposition.

Sir G. *Clerk* said, none of the hon. Gentlemen who had addressed the House on this subject, with the exception of the hon. Baronet who had just sat down, had conceived it advisable to allow the present excess of expenditure over the income of the country longer to continue without adopting measures for their equalisation. It was no longer argued that it was prudent to attempt, by a vote of credit, or by an addition to the debt of the country, by whatever means that addition might be made, to put off the adoption of that measure which must, sooner or later, be forced upon them—the providing, by additional taxation, for the support of the revenue. He thought it would not be contended that, at the present moment, our financial difficulties could be remedied by any reduction of expenditure. Such a prospect was precluded by events which had recently come to their knowledge, and which rendered it probable that, instead of any reduction being made, additional votes to a considerable amount would be required for the support of our military establishments in order to repair the disasters which had occurred in our Indian empire. It was admitted by hon. Gentlemen opposite that, if a necessity could be shown for the imposition of a property-tax, they would not object to such a measure; but they said, considering its peculiar character, the injustice of its operation, and its inquisitorial nature, every effort should be made to devise other means of supplying the deficiency in our finances without resorting to a direct tax on property or income. Several hon. Gentlemen had thrown out suggestions as to the manner in which the required amount of taxation might be raised. The right hon. Gentleman the late Chancellor of the Exchequer (Mr. F. T. Baring), had stated, that since the conclusion of the war 24,000,000*l*. of taxes had been removed; and he had expressed his opinion, that it was preferable to impose again duties which had been removed from Custom and Excisable articles, rather than to resort to an Income-tax. The House must, however, remember that the articles from which duty had been removed were articles consumed to a great extent by the lower classes; and he thought Gentlemen who complained that the operation of our system of taxation was to impose heavy burdens upon the productive industry of the country, while the wealthy classes were exempted, would not be very cordial in their approval of additional taxes upon salt, leather, beer, soap, or tallow candles. Some hon. Gentlemen who had addressed the House, had recommended the Government to carry out the principles upon which the budget of last year was founded; and had suggested, that by a modification of the duties upon foreign sugar, and upon Baltic and colonial timber, and by the imposition of a fixed duty upon corn, the whole sum required for the public service, or a large proportion of it, might be raised. He was happy to be able to quote on this subject the authority of the right hon. Gentleman who lately held the office of Vice-President of the Board of Trade, who stated on Friday evening, that however he might approve the measures proposed by the Government last year in the then circumstances of the country, he felt that in the present exigencies no modification of the existing taxes would be sufficient to meet the difficulties of the State. The noble Viscount the Member for Sunderland (Viscount Howick), seemed to think that a present remedy would be obtained by abolishing the system of differential duties; but the only articles to which that observation applied were sugar and timber. With regard to the duty on sugar, which occupied so much of the attention of the House last year, the right hon. Baronet had stated, when he introduced his financial scheme, that he had considered the possibility of reducing the duty on sugar, but he felt that he could not adopt such a measure without departing from the principles he had before maintained, for the result of a reduction of the duty on colonial sugar, it being uncertain whether the supply could be equal to the demand, would be merely to place a sum of money in the pockets of the West-India proprietors. He hoped that the Government, in arranging commercial treaties with Spain and Brazil, would successfully press upon the respective governments of those countries the expediency of adopting measures for the mitigation and final abolition of the slave-trade, as such a course might have the effect of opening the markets of England to their sugar. However advantageous it would undoubtedly be to the consumers of sugar if it could be admitted at a lower rate of duty, he conceived that, pending the negotiations in which we were engaged, such a measure was inexpedient at this time; but he hoped a reduction might ultimately be effected, not only upon colonial but upon foreign sugar. The hon. Baronet who had last addressed the House condemned the faulty legislation of the Government, and contended that, in order to remedy the financial difficulties of the nation, the trade in corn ought to be made free; and the hon. Baronet had complained that the important articles of sugar and corn were omitted from the tariff. He had already stated why it was inexpedient to make any alteration with regard to sugar. As to corn, he would ask the hon. Baronet what this House had been doing for the last three weeks, but considering a new tariff with regard to corn,—one which was perfectly satisfactory to the majority of that House, and which, he believed, had given general satisfaction to the country? Some hon. Gentlemen had expressed doubts as to the amount of revenue which would be raised under the proposed corn-law bill; and the noble Viscount the Member for Sunderland, stated that so large a sum would not be obtained under that measure as would be derived from a fixed duty. Now, the noble Lord the Member for North Lincolnshire (Lord Worsley), had said, that under the measure proposed by his right hon. Friend (Sir R. Peel) a duty of 1,200,000*l.* would be realised. Under an 8*s.* duty it would require the importation of 3,000,000 quarters to produce that sum; and the right hon. Gentleman the late Chancellor of the Exchequer (Mr. F. Baring) stated, that the amount he calculated to raise by an 8*s.* duty was 400,000*l.* [Mr. *F. Baring* said, the right hon. Baronet is mistaken. The whole amount I calculated obtaining from an 8*s.* duty was 900,000*l.*] The hon. Member for Lambeth (Mr. Hawes), had assumed that the Income-tax was proposed with a view to carrying on the war in Affghanistan, but the hon. Gentleman forgot that there was a very great deficiency in the revenue as compared with the expenditure of the past year, which must be supplied. With regard to the duty upon colonial timber, he thought it was evident from the correspondence of the late Lord Sydenham which had come before the House, that if the measure proposed by the Government last year had been adopted, it could not be made available for the financial purposes of the present year; for it would be unfair to apply the operation of the measure to such cargoes of timber as were, at the time the measure was adopted, on their passage to this country. Some hon. Gentlemen had complained that a different scale of duties had been adopted with regard to the articles of colonial and foreign countries; but, though it was impossible to place the inhabitants of our colonies on a complete footing with the people of this country, it was but fair to extend to them some protection. If it was necessary to have recourse to new taxes, he thought no impost could be devised which pressed with less severity on the lower and industrious classes, who ought, as much as possible, to be relieved from taxation, than the Income-tax. The noble Viscount, the Member for Sunderland, had mentioned the peculiar situation of a person who had a pension of 153*l.* a-year, with no other means of subsistence, and had argued against the injustice of taxing such an individual in the same ratio as a large landed proprietor. But he would ask if there were no taxes which pressed with greater severity upon persons in such a situation, than upon the more opulent classes of society? Artisans and labouring men would be relieved from the operation of the measure, which would affect no person until he derived from some source or other an income amounting to 150*l.* a-year. But he had heard with surprise from the hon. Baronet, the Member for the Tower Hamlets, an exclamation against direct taxation, as being fitted only for barbarous ages, as an instrument by which tyrannical rulers could best lay hold of the property of their subjects, and as being altogether unsuited to civilized times and nations. He regretted, that the hon. Member for Bolton was not in his place when the hon. Baronet made that statement, because he believed hon. Members had heard over and over again, comparisons drawn between the direct and indirect taxation of this country and that of France and other European nations; and the hon. Member for Bolton had repeatedly expressed himself as most anxious to see laid upon the Table of the House the schemes of finance of all the countries of Europe, in order to show, that their direct taxation bore to their indirect a great disproportion, and especially as compared with this country. It was perfectly true, that the tax would press more heavily upon persons having only life incomes than on other classes; and the hon. Member for Lambeth had read a paper drawn up by Mr. Sayer, showing that it would press upon various classes with greater or less severity on account of the nature of their incomes. But that objection would apply to every tax, but not he thought with the same force to an increased window or house-tax, because men of immense wealth were well able to pay either the one or the other, whereas a half-pay lieutenant would be compelled to keep up his respectability, to occupy a house, involving him in charges under such taxes which would press more severely upon him than those incurred by the wealthy inhabitant of a spacious and splendid mansion. Nor did he conceive the objection made against the Income-tax on account of its inquisitorial nature to be more weighty; for no greater publicity need be given of the nature and extent of a person's income than was given by those paying county-rates or the land-tax. Reference had been made by the hon. Member for Liskeard to the old objection urged in the time of Mr. Fox, with respect to various classes of persons more immediately connected with trade and commerce contriving to escape paying their fair proportion, and leaving the burden upon the land. But it should be borne in mind, that the tax was laid upon all personal property, merchandise, and stock in trade, and that assessors went round, and took an account of the value of stock on hand, as well as of bankers' assets and liabilities, and of all other property, in order to ascertain the net amount of profit, which was to be taxed at the rate of 4*s.* in the pound. That tax, therefore, pressed with infinitely greater severity upon the people at that time, than the tax now proposed would. The principal objection to this new tax was, that it would require a disclosure of the affairs of merchants and traders from time to time, and at periods when, perhaps, it would be extremely inconvenient or absolutely ruinous to make known their condition; but he thought the modifications which had been proposed by his right hon. Friend would go far to remove that objection, because the return would be made to commissioners chosen by the Government, and not to persons carrying on similar branches of trade, who might therefore be rivals in business, nor to persons who might be influenced from political or other motives to act unfairly. Again, the plan for entering into a composition for the whole term of three years would furnish another answer to this objection. If a property-tax must be raised, there must be also a machinery established for the purpose of raising it, and, therefore, it was better at once to fix it at 3 per cent. than at one-half or one-third of that rate; indeed, it might have been still better to have levied a tax of 5 per cent., because that would have enabled the Government to deal with many other taxes which now press so grievously on the great bulk of the community. It was because her Majesty's Government were aware, that there were many articles of consumption heavily taxed, that they wished to apply the surplus derivable from the Income-tax to the modification of the duties upon articles in general demand. Their attention, in the first place, was directed to timber; for, considering the importance to the commercial interest, and also to the agricultural interest, of obtaining timber at the lowest possible price, so that they might build and furnish themselves with machinery at a cheaper rate, no tax could be reduced at the present moment with greater advantage to every class of society; and it was much better to reduce a tax of this kind at once, than to fritter away the means at command in attempting petty reductions in other departments, the benefit of which would be scarcely perceptible. The increased consumption of timber, which would take place in the course of the three years would, he believed, make up the deficiency occasioned by the alteration; and the stimulus which would be given to trade in other respects would, in all probability, enable the House to dispense with this tax at the end of that period. The reductions made in the tariff would give general satisfaction throughout the country, although there might be objections raised to many of the details of the scheme. But he did not consider the right hon. Baronet pledged to all the details; and he thought, that when the right hon. Gentleman, the Vice-President of the Board of Trade, went into an explanation of the details, the House and the country would be satisfied that the design with which the reduction in the tariff had been made, was to remove from trade and commerce those difficulties in the shape of taxation which had the effect of cramping industry. He did not fear that the reductions would effect the revenue disadvantageously, because there would be a proportionate increase of consumption. He could not think, then, that the public would grudge paying this tax for so limited a period as it was proposed to continue it, seeing that it would tend to encourage the commerce and industry of the country, and to benefit all classes of the community, and considering also, that all our resources were nearly exhausted, and that there was no other method of meeting the existing emergency, and of laying, he would say, a solid basis on which the finances of the country could rest, and by which the national credit would be placed on a surer and higher footing. Looking to the state of the country, and to the necessity for obtaining three millions of money to meet the deficiency in the revenue, and seeing that no new tax could be devised, which would press with less severity upon those classes which her Majesty's Government were anxious to relieve, he hoped that the measure would meet with no further opposition. True, this tax, as well as all other taxes, must press heavily on some persons; but her Majesty's Ministers did not profess to be accomplished in any political legerdemain, by which to extract three millions of money from the people without the payers of the tax discovering that the hand of the collector had been in their pockets. He trusted, then, that the committee would adopt, by a large majority, the resolution placed in the hands of the Chairman.

Lord *Dalmeny* said, Sir, I am most desirous to state the reasons which induce me on the present occasion to withhold my support from the measure proposed by her Majesty's Government, and I am the more anxious to specify the grounds of my dissent, because I do not participate in the violent hostility professed by some to the abstract principle of an Income-tax, and because, in a former instance, in 1833, I voted in a minority who advocated the substitution of direct for indirect taxation. But, Sir, the question now relates, not so much to the abstract principle of an Income-tax, as to the present necessity for its imposition. Those who have preceded me in their opposition to this measure have generally acknowledged that emergencies may arise, which may render the imposition of an Income-tax not only justifiable but expedient, and the question, therefore, resolves itself into this, has such an emergency now arisen, and are we placed in the midst of such a crisis as to warrant recourse to measures which are ordinarily reserved for the severest extremity. Before, however, addressing myself to this part of the subject, permit me to offer to the right hon. Gentleman my tribute of praise for the mode in which he recapitulated his history of the past, and announced his plans for the future. I listened with the warmest admiration to the speech of the right hon. Gentleman when he made his exposition of the financial condition of the country. Since the days of Mr. Pitt, I believe that no financial statement so clear, so well arranged, so well digested, so fraught with sound and statesmanlike views, embodied in perspicuous, apt, and at times felicitous language, has been submitted to this House. Nothing could exceed the masterly skill with which the right hon. Gentleman conducted his hearers through the intricate labyrinth of financial details, and imparted to a dry and otherwise repulsive subject that interest which is derived from a most luminous development of its complexities. And, Sir, with regard to the proposition itself, I am bound to admit, that, in my eyes, it is not devoid of recommendations. It has certain qualities, in my opinion, equivalent to high merits. It is characterised by boldness, simplicity, comprehensiveness, and vigour. It deserves the praise of being an energetic attempt to retrieve from their embarrassment the finances of the country, and to apply a searching and vigorous remedy to a lingering and chronic disease. Although I shall oppose it, for the reasons I shall subsequently state, yet am I bound to confess that I infinitely prefer it to any of those petty and pusillanimous expedients which, substituting palliatives for remedies, proceed upon no great and definite principle, which provide for the cravings of the moment without reference to the future, which stave off the hour of reckoning by miserable compromises and shifts, but neglect all adequate preparations for boldly facing its dangers. Sir, there are two cases where I would give my support to a measure of the nature of that proposed by her Majesty's Government. Were this country fighting for existence or empire, against some powerful conqueror bent upon annihilating both, and on blotting out her name from among the nations of the earth, such a peril would demand, and would justify any sacrifice, since the evils such a sacrifice would inflict would be as nothing compared with those it would repel. This is one of the cases where I would consent to levy a general contribution upon the property, the talent, the industry, the profits, the wealth of the community; or had the right hon. Gentleman come down to this House, and had stated that an alarming deficiency exists in the finances of this country—a deficiency more likely to augment than diminish, and that, concurrently with this deficiency, there prevails an unprecedented depression of trade; that enterprise is paralysed, capital vanishing, industry blighted, labour doomed to starvation or crime, and once flourishing cities engulfed in bankruptcy and ruin; and had the right hon. Gentleman proceeded to announce that, in order to remedy these frightful calamities, he had resolved to strike off the shackles from trade, to give a stimulus to enterprise, to create new channels for capital, to unfold new markets for industry, to open boundless fields for the expanding energies of commerce; but that, as the results of such a policy are gradual and slow, and as the call for revenue is immediate and pressing, he must provide immediate resources, by an appeal to the property of the country, whilst waiting for the fruits of his liberal measures of reform;—in such a case, Sir, I should have tendered to the measure of the right hon. Gentleman as cordial a support as I now shall oppose to it a strenuous resistance. Sir, I ask for what purpose are we called upon to vote the imposition of the most grievous impost, accompanied by the most odious processes of inquisitorial investigation that can be inflicted on a free nation? Is it to ward off some foreign invasion? is it to maintain the safety or honour of the nation? is it to protect the power and dignity of the empire against some envious rival, or implacable foe? No, Sir. Is it to enable the right hon. Gentleman to found a new era in the commercial history of this country? is it to enable him to wipe out from the statute book those prohibitory enactments, the offspring of an ignorant and unjust legislation, in order to build up an enlightened commercial system based upon a large and liberal foundation? No, Sir. It is to protect the existence of monopoly, to throw a shield round particular and favoured classes, to sacrifice the prosperity of the many to the interests of the few, that the right hon. Gentleman calls on us to seize the profits of trade, and to submit to the legalized persecution of the tax-gatherer. It is to uphold the monopolies of the agriculturist and planter, that he calls on us to wring the pittance from impoverished industry, and scatters a horde of officials over the land to violate the sanctuaries of private life. What a glorious opportunity has been afforded to the right hon. Gentleman of earning the gratitude of his contemporaries, and the reverence of posterity—of immortalizing his Administration and his name by identifying them with the creation of a new commercial code—with the revival of British industry, the resuscitation of British commerce, and its extension to the remotest quarters of the habitable globe. He might have blended them with the establishment of absolute freedom in trade, and the utter extirpation of the last remnants of monopoly. But he has lost the opportunity of enrolling his name among the regenerators of his country and the benefactors of mankind. Never was a British Minister placed in so advantageous a position. He is armed with power far exceeding that of any British Minister since the commencement of the century. He is backed and surrounded by supporters who seemed to consider themselves placed there for the sole purpose of yielding implicit submission to his decrees. He had only to advance, and he would have added the universal national support to his parliamentary majority. Why has the right hon. Gentleman lost such splendid advantages? Because he has adopted a bold policy with a timid hand. Never was a nobler career opened to a British Minister, never did a British Minister so fling away the chances of fortune.

Mr. *C. Wood* said, that the hon. Member for Stamford (Sir G. Clerk) had claimed for her Majesty's Government credit at least for the boldness of the measure which they had proposed, and a full tribute of praise had been bestowed on them by his noble Friend who had just sat down; nor was he (Mr. C. Wood) disposed to withhold from them any praise which was due to them upon that ground; but he must say that the sweeping censure passed upon Gentlemen on his side of the House by the right hon. Baronet was most unmerited and unjust. He (Mr. C. Wood) should like to know what right the right hon. Baronet had to say that he had no reason to anticipate anything else than an undiscriminating opposition from his noble Friend (Lord John Russell) and those who acted with him to whatever tax he might propose. Had that been the first time he (Mr. C. Wood) had opposed an Income-tax, he might have been open to the censure of the right hon. Baronet. This was not the first time this question of the Income-tax had been discussed in the House. In 1835, he (Mr. C. Wood) supported the right hon. Gentleman against the proposition of his own friends, for the repeal of the malt-tax, and on that occasion the right hon. Gentleman argued most strongly against an Income-tax, he (Mr. C. Wood) humbly following in the same train of argument as the right hon. Baronet. In the course of last year when the financial proposals of the then Government were under discussion, he (Mr. C. Wood) in like manner opposed an Income-tax. Why, then, was he to be charged with a factious and vexatious opposition to the tax when he was pursuing the very same course now which he had formerly taken along with the right hon. Baronet. He thought he was acting in perfect accordance with the recorded opinions of the right hon. Baronet himself, for if any one Member in that House more than another had succeeded in pointing out the evils of the Income-tax, that Member was the right hon. Baronet. But did he (Mr. Wood) blame the right hon. Baronet for changing his opinion? Far from it. Circumstances were, no doubt, changed, and he would not make any imputation against the right hon. Baronet for now proposing a Property-tax, but in doing so he trusted the right hon. Baronet would give to those who still persisted in their former opposition to that tax credit for consistency and sincerity. In common with his noble Friend who spoke last, and all those who had spoken from that (the Opposition) side of the House, he entirely agreed in the necessity of supporting the honour and maintaining the dignity of the country They had not quarrelled nor had they any disposition to quarrel, with the estimates laid before the House—estimates, he believed, necessary to enable the country to maintain the position which it ought to occupy in the eyes of the world. Neither did he think it would be right to have recourse to a loan, or to allow the deficiency to go on from year to year, but although perfectly prepared to vote the necessary taxes for this purpose, he did not see that such a determination was in any way inconsistent with his opposition to the particular tax which the Government had thought fit to propose. He was not prepared to deny that direct taxes were necessary in the present state of the country —he would even go the length of saying that, objectionable as he thought this tax on income, still if a necessity could be shown for it, he would not refuse his assent to its adoption. The right hon. Baronet was bound to prove this necessity, but in attempting to do so he had entirely failed. He attempted to show that every other source was exhausted from which revenue might be expected, and that there was no alternative but an income-tax. If it had been shown that all other sources were dried up, as it had not, then there might have been some grounds for the imposition of this most odious impost. He did not wish to use any exaggerated language in regard to the objectionable nature of this tax; he would refer to a document already quoted by his right hon. Friend the Member for Portsmouth—the petition from the merchants of London, presented in 1816. It described the character of the tax as "arbitrary in its principle, at variance with the spirit and general practice of our constitution, and which ought only to be submitted to in cases of urgent necessity." He wished to say no more as to the character of the tax than those words of the mercantile community who had experience of its working, expressed. At that time the necessity for such a tax was greater than any that now existed, yet so universal was the feeling of the country, so strong its objections to the arbitrary and obnoxious nature of the impost, that the Government of Lord Liverpool was obliged to give way, leaving a large deficiency in the revenue in consequence of the tax being removed. Not only the City of London, but half the counties of England, petitioned against the tax, and one of the strongest Governments this country ever had was obliged to give way to the universal expression of the opinion of the country. There were other war taxes of various kinds in existence at the time, yet no such feeling of resistance was expressed against them; the Income-tax was singled out by the country, and the Government were forced to relieve them from its pressure. What were the objections to the tax—not to the amount of the burden, but to its arbitrary nature. The petition from London went on to say, that "no modification of its details, no abatement in the rate of its immediate exactions, can, in the opinion of your petitioners, remove the obnoxious principle of this tax." It was its arbitrary and unjust nature, and its unequal pressure on different incomes, of which the country complained—it was removed on these grounds, yet this was the first tax which Government now proposed for the adoption of the House. Was it likely that the objections to it were less strong now than at the period alluded to? Were they to be told that the present state of the trade of the country was such as to render the tax more palateable at the present time than it was then. He did not think that he could use any language so expressive of the evils of the tax as that made use of by the right hon. Baronet at the head of the Government. In 1833, when the right hon. Gentleman opposed the repeal of the house and window-tax, he pointed out the effects of that repeal; he told them if they abolished that tax they must be prepared for a property-tax. On that occasion the distinction between an income and a property-tax was taken up by some hon. Gentlemen. What hope did the right hon. Baronet give them? The right hon. Baronet said,—

> "He could not recognise the distinction between an Income and a Property tax; it would be establishing a principle of spoliation to tax property, and to exempt income from the tax."

Nor was it quite so mild a tax as the right hon. Baronet would now lead them to believe; for in 1833 he thus characterized it:—

> "It was a tax which, unaccompanied by severe and unsparing scrutiny into private affairs, would encourage fraud and perjury."

Yet that was the system now to be introduced. True, the right hon. Baronet the Member for Stamford (Sir G. Clerk) said the system was to be much modified, that it was to be applied in a mild and agreeable way, but the Prime Minister was of opinion that, if not severe and unsparing in its inquisitorial powers, it would give rise to fraud and perjury. In regard to a graduated property-tax, which came under discussion on the same occasion, the right hon. Baronet said,—

> "A graduated property-tax would admit of no limitation, would discourage industry, and induce capitalists to transfer capital to other countries; a graduated property-tax would lessen the stimulus to honest exertion in future, and force men to seek other countries for the deposit of their hard-earned accumulations."

He believed the description of the tax given by the right hon. Baronet was but too true and too accurate, and that no modification could mitigate its pressure, and the inequality and unfairness with which it pressed on different incomes. He did not believe that any modification could be introduced which would tend to mitigate its character. He believed they must take it as it was proposed; but he considered the injustice which it would work was an objection—and in his opinion it ought to be a fatal objection—to the imposition of the tax at all. Hon. Gentlemen opposite put forward one argument in favour of the measure and of themselves. They say they are the friends of the people in proposing this tax, and that it would fall principally on the rich. He confessed, that if that were a just and true representation of the tax, it would remove one of his greatest objections to it; but he would like to know whether, in maintaining that argument they had taken into consideration the effect to be produced by the proposed tax upon the capital of the country. According to the opinion which the right hon. Baronet held in 1833, the effect of such a tax would be to induce capitalists to seek foreign investments. Again, how many of our artisans were employed in producing not the necessaries, not the comforts, but the luxuries of the rich. Would not the demand for those luxuries be diminished by this tax? And would not the employment of such artisans be taken away from them. But he chiefly referred to the investment of British capital in foreign countries. With the present facilities of intercourse, and in time of peace, British merchants would naturally endeavour to remove their capital from the operation of the tax. They would remove it to other countries. Would not this materially affect the employment of our labourers? They already knew the amount of English money sunk in foreign loans. They also knew that a large portion of the capital employed in foreign manufactures was furnished by English capitalists—that our own capital was employed to rival us in neutral markets by foreign manufactures. The Germans, and even the Swiss, manufactured goods similar to ours—their labour was cheaper,—in fact, the only advantage we had over them was the greater capital in this country. Our machinery went abroad, and we could not prevent it. Our artisans went abroad, and we could not prevent it. We were rivalled in cheapness of labour, and in skill, by our foreign competitors. The one advantage, however, which this country possessed above her rivals, was her greater amount of capital. It was this that enabled her successfully to compete with other countries, yet it was this one advantage which the measure of Government would have a tendency to destroy. No one could say that it would not have the effect of forcing capital abroad; and if this was admitted, how could it be maintained that the working classes would not be affected by the measure? For these reasons, then—first, because he believed that the universal feeling of the country would be opposed to such a tax—in the second place, because he believed it would drive capital abroad—he felt bound to give the tax his determined opposition. He had always considered the Income-tax as one reserved for time of war—for a time when the circumstances of the country were such as to prevent the transfer of capital; when the people would submit to the tax, obnoxious as it was, because they knew that the existence of the country might almost wholly depend on it. He (Mr. Wood) considered the argument of the right hon. Baronet (Sir R. Peel) founded on the war in China and in Cabool, and treating it as a war, in the sense in which that argument was applied to the property-tax, and justifying his proposed Income-tax as a war tax on that ground, as little better than a verbal quibble. It reminded him only of the grounds on which an hon. predecessor of his (Mr. C. Wood) at the Admiralty, claimed his war salary, because England was at war with Algiers. The meaning of a war, as thus used, was a war in which the whole feelings of the country were enlisted. He believed, therefore, that an objection to such a tax, in time of peace, was a valid objection. If they looked to history, it would be seen that taxes maintained, in a time of peace, had always been selected in deference to the feelings of the people. All direct taxes were obnoxious, and had been removed as soon as the pressing necessity for continuing them ceased. The property-tax was taken off in 1815, the house-tax was repealed in 1833, and the only direct taxes remaining in this country were the assessed taxes. They doubtless were a direct tax, but as to which there was a very obvious reason which reconciled people to them, because any person might, if he chose, relieve himself from their pressure. If there was such a war as that in which we were engaged at the time when the property-tax was imposed, and when, believing that the existence of this country depended upon her financial exertions, the people willingly submitted to such a tax, he doubted not they would submit again as cheerfully to a similar necessity. But although an Income-tax might now be passed by persons ignorant of the effect it had produced, when it existed before, yet his firm conviction was, that it would be impossible to maintain it. Would it not, then, be a most mischievous course to place the credit of the country upon a basis that could not be permanently maintained? He came now to the arguments for the necessity of such a tax. Had that necessity been proved? He thought the case of necessity which had been attempted to be made out had entirely failed. The ground on which they were called upon to impose this tax was, first, that there was a deficiency of two millions and a half, which, with a margin not at all unnecessarily large, of 500,000*l.*, made a total deficit of three millions. This was the sum to be provided. Now, had it been proved, that it was impossible, without having recourse to an Income-tax, to find means to raise a revenue of three millions in this country? He did not wish to fight over again the budget of last year; but he might remind the House, that his right hon. Friend (Mr. Baring) had demonstrated, not as a theory, but as a matter of fact, from experience of the past year, that if his propositions had been adopted, a considerable increase of revenue would have necessarily accrued. There could be no doubt, for instance, that upon corn—he (Mr. C. Wood) did not mean to enter into a discussion of the Corn-laws, but there could be no doubt, that if an 8*s.* duty had been imposed upon all the corn imported last year, 500,000*l.* more than had been received would have been realised. It was a matter of fact, and not of estimate; and he was surprised, when the Chancellor of the Exchequer (Mr. Goulburn) endeavoured to take from the force of this argument, by saying, that in all probability the same quantity of corn would not, with such a duty, have been imported. He apprehended, that there was nobody in the House, or out of it, but the right hon. Gentleman himself who would have made such an assertion; or who would not, on the contrary, have said, that a much greater quantity would have been imported. So, with regard to the estimate upon sugar. His right hon. Friend, (Mr. Baring) had stated, that if his proposal had been adopted, not less than one million would have been realised. Again, the right hon. Gentleman, the Chancellor of the Exchequer, had expressed his surprise that this fact had not struck the right hon. Gentleman (Mr. Baring) last year. Why, it was stated by his right hon. Friend (Mr. Baring) last year, and also by himself in the debate on the sugar duties. He (Mr. C. Wood) himself stated the probable amount at near 1,000,000*l.*, and he undertook to point out the ground upon which the estimate was founded; but while he was stating it, the right hon. Gentleman (Mr. Goulburn) interrupted him, and said, "I admit it: you will get the money." The precise amount which he stated, as the probable income from sugar was 937,000*l.* His right hon. Friend had also estimated an increase of 600,000*l.* from his proposed change in the timber duties, and whatever objections had been stated to that change, no one had even questioned the estimated increase of revenue. Upon the proposals, therefore, of his right hon. Friend (Mr. Baring) an additional sum of about 1,500,000*l.* would have accrued to the revenue last year. He was ready to admit that an income to be derived from a duty on corn was one upon which it was impossible to calculate with precision. So long as the principle of a sliding-scale was maintained, it was impossible to calculate with certainty what the effect of the scale might be. But if 1,500,000*l.* or 1,000,000*l.* could have been raised by the measures proposed by his right hon. Friend (Mr. Baring), and if 400,000*l.* could be raised in Ireland by the proposal of the right hon. Baronet, surely nobody could believe that it was impossible to raise from the whole of Great Britain one million, or even two millions, additional taxation. After the good-natured lecture which the right hon. Baronet (Sir Robert Peel) had given to amateur Chancellors of the Exchequer, it would be impertinent for him (Mr. C. Wood) to venture to suggest any new tax to the right hon. Gentleman; but even the right hon. Gentleman had himself admitted that the proposal respecting an increase on the assessed taxes by his right hon. Friend (Mr. Baring) was perfectly successful. Now if the 10 per cent. on the assessed taxes were made 20 per cent., that would give 250,000*l.* at once. It had been stated the other day that the remission of the leather-tax produced no benefit to the consumer. That tax produced between 300,000*l.* and 400,000*l.* But without going into detail, when his right hon. Friend (Mr. Baring) stated that 25,000,000*l.* of taxation had been repealed since the war, exclusive of the property-tax, would any body say that it was impossible to provide two or three millions of revenue, without at all interfering with, or raising the price of—for that was the material thing—the great articles of general consumption. He believed it might be done with far less pressure and far less injustice than what must necessarily result from an Income-tax. The second ground upon which they were called upon to consent to this tax was in commutation for the general revision of the import duties by which the right hon. Baronet calculated he should lose 1,200,000*l.* The right hon. Baronet proposed a general revision of the import duties of this country. He (Mr. C. Wood) recollected what ridicule was cast last year upon those who made the slightest reference to the report from the Import Duties Committee. Whenever that report was mentioned, there ran through the opposite side of the House a general titter, and he remembered that the hon. Member for Warwick never heard the report mentioned without laughter, as if it had been a document too absurd and ridiculous to allude to. He supposed a reference to that report would be more tolerated at the present day. He was perfectly ready to admit that a revision of the import duties generally was a most desirable object. He believed it would be good in itself, and good especially in regard to the working population of this country; while he at the same time believed that such a revision might be made most subservient for the purposes of revenue. It was upon that ground that he gave his hearty support to the proposal made by the late Chancellor of the Exchequer last year. In his mind no doubt existed, although the right hon. Baronet appeared to entertain a doubt upon the subject, that a revision of the import duties might be made productive of an immediate increase of the revenue of the country. There could be no doubt, if the right hon. Baronet was prepared to diminish the differential duties, that an increased revenue would immediately ensue. This was not true of duties which were not differential to the same degree, and he admitted that, for some three or four years, a loss might accrue upon certain articles on which the duties might be reduced; but he thought he might venture to say that, had the right hon. Baronet come forward with a large, efficient, and comprehensive measure on the Import duties, no opposition would have been offered to a system of direct taxation to make up that deficiency. But how were the main articles of import to be dealt with by the tariff laid before the House? He remembered that before the Import Duties Committee a table was given in by Mr. Porter, of seventeen principal articles, the revenue on which amounted to no less than 94½ per cent. of the whole revenue arising from the Customs. How were they dealt with by this tariff? They were literally untouched (except in some trifling degree), for the purpose of introducing these pernicious differential duties with three exceptions. The tariff dealt with three main articles, it was true, but how? It had dealt with the article of corn, but in a manner which was utterly insufficient for any good purpose to the country; next, it had dealt with coffee, and with the principle upon which the right hon. Baronet had dealt with coffee nobody could quarrel, but he (Mr. C. Wood) thought, that even upon that article the right hon. Baronet had made an unnecessary sacrifice of income. If the course had been adopted which his noble Friend (Viscount Howick) had suggested, of leaving the colonial duty as it was, and of reducing the foreign duty to 9*d.*, it would have produced a great benefit to the consumer by the reduction of price, and an increased revenue might have been obtained. The next article—[*Cries of "Question; Order."*]—Does my hon. Friend (addressing an hon. Gentleman on the Ministerial benches) really think I am not speaking upon the question? Am I not pursuing precisely the course which the right hon. Baronet adopted when he endeavoured to show that all existing modes of raising money were exhausted, and that the only source available was an Income-tax? If the right hon. Leader, whom the hon. Gentleman seemed so ready to follow, referred to these matters, in order to prove his case, he (Mr. C. Wood) should like to know whether he was not at liberty to pursue the same course of argument (however inadequately he might be able to do so) in answer to the conclusion which the right hon. Baronet had arrived at? The next article, then, with which the right hon. Baronet had dealt was that of timber. In respect to that article, he conceived the right hon. Baronet to be making a large, a needless, and a wanton sacrifice of revenue —a loss estimated by the right hon. Baronet himself at 600,000*l.* He was utterly at a loss to understand what the grounds were, upon which such an enormous, and, as it appeared to him, needless sacrifice of revenue was incurred. His right hon. Friend (Mr. Baring) had proposed to follow the recommendation of the committee of 1821, and to approximate the colonial and foreign duties, by raising the one and lowering the other. The right hon. Baronet found fault with that course, but had not stated the grounds for doing so. In his distress for a reason he had recourse to the authority of Sir H. Parnell, and quoted his recommendation in support of the measure which he (Sir R. Peel) proposed. But surely never was a reference to authority so unfortunate; for the recommendation of Sir H. Parnell, to which the right hon. Baronet referred in defence of a nominal duty of 1*s.* on colonial timber, and a duty twenty-five times as high on foreign timber, was, in truth, a recommendation of an uniform duty of 35*s.* per load on all timber whatever, without any distinction between colonial and foreign. By such a measure he believed a large revenue might have been raised, at the same time that the price would have been reduced. If the right hon. Baronet had followed the proposal laid before the Import Duties Committee, and had retained a duty of from 5*s.* to 10*s.* on colonial timber, with a duty of 25*s.* or 30*s.* upon foreign timber, an increased revenue might have been anticipated. Mr. Macgregor, from his long residence in Canada, was a very excellent authority upon this subject, and his proposition was, that a duty of 7*s.* 6*d.* should be imposed on colonial timber, and 30*s.* upon foreign, from which he estimated a large increase of revenue. These were the only three articles—being most important articles of consumption—with which the tariff of the right hon. Baronet professed to deal. With the great article of sugar the right hon. Baronet did not propose to deal at all. The Chancellor of the Exchequer had told the House that so long as there was an adequate supply from the colonies, there was no reason to do so. He (Mr. C. Wood) should like to know upon what ground the right hon. Gentleman defined what was an adequate supply of sugar? The right hon. Baronet had told the House that the supply of last year was the largest ever introduced into this country. He (Mr. C. Wood) was rather inclined to think that such was not the case. There was a fallacy in the returns of the Customs, which showed a less quantity of sugar than had actually been imported during some previous years. He had last year a return prepared by the Board of Trade, which showed that the actual quantity of sugar retained for home consumption in the year 1831, instead of being, as it was stated in this return, 3,781,000 lbs., was 4,364,000 lbs., which exceeded the quantity returned for home consumption in 1841, that being only 4,058,000 lbs., and this without reference to the increase of population. He was of opinion that, had the proposal of his right hon. Friend (Mr. Baring) been adopted, there would have been a great increase of consumption, and the revenue would have been benefitted to the amount of 400,000*l.* or 500,000*l.* Then, with respect to the articles of wine and fruit, the right hon. Baronet would not interfere with them, on account of some commercial treaties which might be made with foreign countries. He (Mr. C. Wood) was afraid, with the present disposition of the French Chambers on matters of trade, that if this country waited till a commercial treaty were entered into with France, they would have to wait a long while. He apprehended that the sound principle was not to wait for commercial treaties. If the duty were taken off in this country on goods obtained from foreign countries, they might depend upon it that British goods would find their way into foreign markets, for foreign merchants would not go without a return for the goods they sold to us. No better authority upon that subject could be quoted than that of a gentleman who had already been mentioned in the course of these debates, he meant Mr. Deacon Hume. His opinion was, that the wisest course was always to give the freest possible admission to the goods of other nations into this country, and to leave others to take advantage of it or not as they thought fit, because there could be no doubt that if we imported from any country any considerable quantity of goods and the manufactures of that country were protected, the producers of the goods that we took would very soon find the great difficulty they had in getting returns, and instead of our soliciting the governments of those countries to admit our goods, our advocates for that admission would be in the country itself—they would arise from the exporters of the goods which we took. With regard to the principle upon which the tariff generally was made, he would not now go into detail; but he could not help adding his protest against the system of establishing now, for the first time, differential duties between the produce of foreign countries and the British colonies. He never was more surprised than when he found protecting duties to such an extent introduced, for the first time, into our system. He had admired, on more than one occasion, the clearness of the manner in which the right hon. Baronet (Sir Robert Peel) had stated the soundest views respecting trade and commerce; and particularly the clearness of the manner in which he stated sound principles upon the Corn-laws, and he (Mr. C. Wood) only lamented that the right hon. Baronet had not carried them better into effect. His (Mr. C. Wood's) only wonder was, upon what ground the right hon. Baronet could stop where he did. He admired, also, the clearness with which the right hon. Baronet stated his views of trade and commerce in opening the tariff to the House, and he confessed, therefore, that he was not a little surprised when he found that the tariff itself was founded upon a principle of legislation, contrary to the whole course of policy advocated by Mr. Huskisson, of whom the right hon. Baronet was proved to have been a colleague and co-adjutor, and of whom other right. hon. Gentlemen, on the Ministerial Benches, professed themselves to be the disciples. Mr. Huskisson's policy was, to throw open the ports of this country to all foreign nations, to remove or to diminish all monopolies and protections; whereas, they were now called upon to legislate contrary to the system which had been pursued for the last twenty years, and to establish new differential duties and new protections, of which no one ever heard before. He could not help hoping, that this tariff had been framed without mature consideration, that it was like the first list of towns from which the averages were to be taken, only a provisional tariff; and that the new differential duties had only been put on like the duty on corn imported from North America into Canada, in order, that when the rest of the plan should have been agreed to, the right hon. Gentleman might have the pleasure of taking them off again. The right hon. Baronet said, there was an inducement to adopt the Income-tax, inasmuch as the people would obtain cheap living and cheap articles of consumption. If that were so it might be an indemnity for the tax; but upon looking at the tariff, he (Mr. C. Wood) did not see upon what article that relief was to be obtained, with the exception perhaps of coffee. He perfectly agreed with the right hon. Baronet, that there was no reason to apprehend any great import of foreign cattle, or foreign beef; and he was at a loss to know how the price of the great articles of consumption was to be affected by the new tariff. Again, another inducement was, that the tax was only to be for three years. But what ground had they for believing that the tax would be taken off at the end of three years? If they had reason to hope, that from the extension of consumption the revenue to be derived from such articles would be raised—if an alteration in the duties on corn, sugar, timber, and other great articles of consumption, had been proposed, that would have led to an increased consumption, and the increased consumption to an increased revenue. If the right hon. Gentleman had come down and told the House, that he was prepared to sacrifice some amount of present revenue, and had done it in a large and comprehensive spirit, then he was prepared to admit, that a case would have been made out, and that there would have been a ground for the House imposing a direct tax, aye, even an Income-tax, to meet an instant deficiency. But no such proposal had been made. On the contrary, an Income-tax was imposed, in order that old monopolies might be maintained, old protections persisted in, and new protections introduced. Upon the ground of necessity, therefore, no case had been made out for imposing an Income-tax. So far as revenue went, he entertained no doubt that it might have been made up from a far less oppressive, far less unjust, and a far less odious source. So far as regarded the commutation of taxation, no sufficient advantage was offered, to induce the country to pay such a price, and to submit to such an impost. His objection to the injustice of the tax was undiminished; his opinion, that the necessity for it, had not been proved, was unshaken, and he would conclude by quoting three sentences from the speech of Mr. Fox, when arguing against an Income-tax, in 1798. He said,—

> "It seems the state requires great sacrifices. I grant it. But let me ask if the necessity is such as to require great injustice?"

Mr. *Scarlett* contended that those who

paid an Income-tax paid less money to the State than those who paid any other tax. The necessity for this tax had arisen, and arisen, be it observed, not from any default of the present Government, but from the misconduct of the Government of the last ten years.

Mr. *P. Scrope* said, that great interest was felt out-of-doors as to the mode of imposing the tax on particular classes of income. He wanted a definition of income. To show how necessary it was to have such a definition, a variety of cases might be put. Take that of a cowkeeper near a great town. What was his income liable to the tax? Did it mean the sum which he obtained from the sale of his produce? or did the right hon. Gentleman mean to make an allowance for average loss, and the amount required to replace the stock?

Sir *R. Peel*: I mean to adopt the general principle of the measure of 1806, which was brought in by Lord Henry Petty, under the Government of Lord Grenville and Lord Grey, and if the hon. Gentleman will look into that statute he will find a definition of income and various details, which will afford a more satisfactory answer to his question than I can now give him.

Mr. *P. Scrope* resumed.—Many persons might not have time to refer to the act, and if they did they might not understand it. He contended that the cow-keeper's average annual loss of stock by the death of his cattle ought to be compensated by a corresponding reduction in the amount of tax. [Sir *R. Peel*: The act made those distinctions.] Then he wished to ask, was it intended to do the same in case of other perishable commodities? Take the case of a manufacturer employing a great deal of machinery; surely he must be allowed a reduction for the expenses of replacing the wear and tear of his stock of machinery. Then there was the similar case of the shipowner. Every now and then he was obliged to replace his ships. Would the right hon. Baronet allow him to keep up his stock by making a deduction from the tax in his favour proportionate to what it would require to replace his stock? What would the right hon. Baronet do with the houseowner? Houses would only last a certain time. Was he to be allowed a deduction? If he received 500*l*. a-year from house property, would he be allowed for the expense of maintaining and repairing? If the right hon. Baronet made these allowances, then he did not tax gross income, and if he made them in such cases, then why did he not apply the same rule to professional incomes, which had as much claim on the ground of being transitory and not permanent incomes? He mentioned these instances in order to point out that if the deductions were not made the right hon. Baronet would do great injustice, and get into infinite difficulties in the details of the measure. He would not then go into the question of a property-tax as compared with an Income-tax. He had no objection to the former if properly applied. He had always been of that opinion, and he should support such a tax if an occasion were shown to have arisen of a nature to call for it. One objection he felt to this measure was its temporary nature; he thought that an impost so injurious, so inquisitorial and obnoxious, ought not to be adopted for a temporary purpose, but ought to be reserved for some great and permanent object. For an object comparatively so trifling as to raise 3,000,000*l*. in three years, to bring forward a plan so onerous, which acted as a penalty on productive capital, was not the conduct of a great statesman. It would press with double severity on productive capital. If he had money in the funds, or vested in land, he expected only half the interest from it which the same sum employed in the occupations of productive industry would return; but the per centage of the tax being nominally the same on each, would amount to a burden double as great on the one as on the other. They would drive capital out of productive channels by thus taxing doubly the income derived from productive industry. The question which he wished to have fully answered was, whether the Income-tax on perishable capital was to have any deduction made from it, and whether it was to be a tax only as to the permanent value of the income?

Mr. *W. Williams* approved of the course taken by her Majesty's Government, in not having recourse to loans and Exchequer-bills in order to supply their present exigencies. When he looked at the difficult position of the finances, and the mismanagement of those finances for a great number of years past, which ought to fill any man who looked into them with some alarm, they found by returns which had been laid on the Table, that in the last seven years not less than 169,000,000*l.* of deficiency bills had been borrowed by the Treasury from the Bank of England to pay the demands upon them that were due before the revenue had come in. That was at the rate of nearly 24,000,000*l.* a-year. Taking the dates of the 5th of January in each of the years 1836 and 1837, he found that the balance in the Exchequer was rather more than 6,000,000*l.* on each year. On the same day this present year there was only a balance of 3,600,000*l.* in the Exchequer to pay 8,900,000*l.* of interest of the debt, independent of other demands—for instance, to pay the army, the navy, and other establishments. He was prepared to say that whatever sacrifices were necessary to relieve the country from this pressure upon its finances, ought to be met at any inconvenience. The question was how to effect this relief. In the period between 1834 and 1840 a permanent addition of 33,900,000*l.* was made to the debt, the interest of which was, 1,169,000*l.* a-year. He was glad to see the Government taking an opposite course to that of the late Ministry, and endeavouring to make the revenue equal to the expenditure. At the close of the short Session of last year he had told the then Government, that if they compelled all collectors of taxes to pay the gross amount of the taxes into the Exchequer instead of first taking 4,200,000*l.* every year to pay themselves without the authority of the Exchequer, a great saving would be effected. He had also pointed out that the cost of collecting was much greater than in former years. In 1806, the revenue being 58,000,000*l.* odd, the cost of collection was only 2,790,000*l.*, or only 4¾ per cent. on the gross revenue: but in 1840 the revenue of 51,800,000*l.* cost for collecting it 4,200,000*l.*, being more than 8 per cent. on the gross amount. The expense of the collection of the revenue had gradually increased. It might be said that the increase was apparent only, because formerly a great portion of the expense of collection was paid in fees. He wished the Chancellor of the Exchequer would let them know the exact amount that had been so paid in fees, because, unless the right hon. Gentleman could show that in 1806 a large portion was paid in fees which was not now so paid, there could be no justification for an increase of more than 1,500,000*l.* in the expense of collecting the revenue. He repeated that in this respect a great saving might be effected towards providing for the deficiency. But it was not to this source alone that he could look to avert the necessity for an Income-tax. He proposed that a deduction should be made from the sums paid to Gentlemen on the Treasury bench, and not to them alone, for he would go upwards to the highest of those who received the public money. But he would go beyond them, and call upon all monopolists whatever, whether they were the landowners of this country or the West Indian interest, or any other description of monopolists, to make a sacrifice of their incomes in the same proportion as that which they required from other classes. In support of this view he was happy to be able to quote the very high authority of the right hon. Baronet the Secretary of State for the Home Department. In a pamphlet, entitled "*Corn and Currency*," there were these words:—

> "The course, therefore, to be adopted by the landowners, is to consent to the free importation of corn with a moderate protecting duty, but to force at the same time a revision of all other monopolies, inasmuch as I have proved that Peel's bill, when in full operation, will be a bonus to the amount of more than 30 per cent. I boldly contend both for the equity and honesty of proposing a direct tax to a considerable amount on all annuities charged on land, and payable from the Exchequer."

He was glad to be able to quote so high an authority as that of the right hon. Baronet opposite in favour of his principle, though he was himself of opinion that a tax of much less than 3 per cent. upon all the interests protected by monopoly would be sufficient to meet all the difficulties and deficiencies in the finances. He would with the permission of the House quote another passage from the same pamphlet. [*A cry of* "*Question!*" *and confusion.*] Really, Mr. Greene, one might almost think oneself on the Exchange. I shall not detain the House long. He hoped the House would give their attention while he quoted a passage from the pamphlet of the right hon. Baronet opposite—a production from which hon. Gentlemen opposite might derive much more sound information on the question than from all the speeches upon it ever delivered in that House. The right hon. Baronet there said,—

> "Our present peace expenditure, in ready money value, is more than equal, on the average of years, to the expenditure during the last war. The sum received on the 15th of January, 1825, was 52,800,000*l.* The nominal amount of taxes in 1813, the most expensive year of a most expensive war, was 81,000,000*l.*, but as this 81,000,000*l.*, according to the present metallic currency, was really only equal to 52,236,000*l.*, the taxation of 1824 was more than it was in 1813."

Such were the opinions of the right hon. Baronet at the time of the publication of that pamphlet. He very much feared that the right hon. Baronet had outlived the very excellent principles he had there laid down; but if he had not, the very best thing he could do was to instil them into the minds of her Majesty's Ministers. However, he was glad to be able to quote the opinion of so high an authority in favour of his view that the monopolists ought to bear their share of the public burdens. But it appeared—although the right hon. Baronet at the head of her Majesty's Government had, on a former evening, declined to reply to a question on the subject—it appeared, that it was likely a considerable revenue would be derived from the new duties on corn. He saw by the "banker's circular," that the opinion of that publication was, that within the first twelve months of the operation of the duty, a revenue of 2,000,000*l.* sterling would be derived. If the right hon. Baronet could get that, it would be quite a God-send. If any such revenue were received, it would be a further set-off against the deficiency. But he (Mr. Williams) would chiefly look for the means of doing away with the necessity for the Income-tax, to taking off as much as possible from salaries, pensions, and all outgoings of every kind from the Exchequer, to persons who were, to a very great extent, idlers—neither hewers of wood nor drawers of water. He contended that a sufficient reduction might be made to meet the existing deficiency in the finances. He would first take what was called the "dead weight." There was a charge of 4,600,000*l.* for retired allowances, and for pensions chargeable on the consolidated fund 620,000*l.*, making altogether 5,260,000*l.* for pensions, half-pay, &c. But in 1829, when the Conservatives were last in office, the amount for pensions charged on the consolidated fund was 370,000*l.* only. Would any one say that a vast reduction could not be made in this branch of the public expenditure without injustice? In the present unhappy condition of the labouring classes and the pressure on the middling classes, such a reduction was imperatively called for before they attempted to impose an Income-tax. There was another species of property on which, if they pretended that this was a budget that was to tax the rich and not the poor, some revenue should be levied. He alluded to the probate and legacy duty on landed property. Why should wealthy landed proprietors be able to leave their accumulated fortunes to their heirs free of duty, while, if the poor man got a legacy of 50*l.* or 100*l.*, he was obliged to pay a heavy legacy duty upon it? He contended, that from all these sources, as well as from retrenchment and from a saving that might be made in the expense of collecting the revenue, a sufficient sum might be realized to meet the deficiency in the revenue, and until those measures had been tried and had failed, he could not agree to an Income-tax, which he did not now think necessary in order to meet the exigencies of the finances.

Sir *G. Grey* said some hon. Gentlemen opposite seemed extremely anxious to come to a division on this subject, at which he might have felt some surprise had he not observed as regarded two parts of the empire—England and Scotland—a remarkable silence among those who were desirous of testifying by their votes their confidence in the right hon. Baronet, but who shrunk from the obloquy and the unpopularity that would attend their advocacy of the measures of the right hon. Baronet in their speeches in that House. He did not know whether this remarkable silence, broken only, he believed, by the hon. Member for Horsham ("*No,*")—the right hon. Gentleman (the Chancellor of the Exchequer) said "No," but he spoke not of Members sitting on the Treasury bench, but of those sitting behind it, of whom, he believed, two only had spoken, one, the hon. Member for Horsham; and he, at least as far as he could understand the hon. Gentleman, was willing to make a sacrifice of his personal interests for the public good; while the other hon. Gentleman directed a portion of his speech against the proposition of the right hon. Baronet. He spoke, certainly, of the war in Affghanistan as a justifying cause for laying on this tax; but when he came to speak of the details of the proposition, he pulled from his pocket a document containing a statement of facts which proved undeniably its gross injustice, and the equally gross inequality with which it would work upon the various classes of the community. He did not know whether this remarkable silence was part of the discipline which had been imposed upon hon. Gentlemen opposite, and that their votes were required by the right hon. Baronet on the condition that they should not mar his measure by their speeches. [*Marks of dissent from the Ministerial benches.*] He perceived there was an expression of dissent from that opinion. Then he asserted there should be some reason given to that House why a question, the most important, perhaps, that had been submitted to it since the Reform Bill, should be treated with so much silence by those hon. Gentlemen who were so profuse when upon the hustings in their expressions of confidence in the right hon. Baronet at the head of her Majesty's Government, as well as in the measures which they expected him to bring forward, and which they so confidently declared would be acceptable to their constituencies; there should be some reason, he repeated, given by those hon. Gentlemen who did not now rise in their places and say that they were sure that the measures already proposed by the Government were of the character which they had led their constituents to anticipate they would be. He was glad to see the right hon. Baronet opposite (Sir R. Peel) reading Hansard; he was glad also to see it distributed as it was about the Table, hoping that hon. Gentlemen at the other side of the House would study and weigh well the debates which it contained of the year 1816, with regard to the repeal of the Income-tax. Perhaps those debates might sufficiently account for their silence on the present occasion. They would, at least, show that the course now pursued by the right hon. Baronet was consistent with his early political conduct, for he then voted in the minority upon that question. He voted in support of an Income-tax, which the Government who proposed it had pledged themselves should only last for the duration of the war. And let it be observed, that the country was then smarting under the infliction of that tax which they had borne with heroic fortitude as long as any necessity existed for it, or as long as it was called for by the mighty struggle in which this country was then engaged — involving, as that struggle did, the honour, and, perhaps, existence of the nation. On that account they had borne this tax until that struggle was brought to a happy and glorious termination in the memorable field of Waterloo, when, in spite of the Government of the day, supported by the right hon. Baronet opposite, they determined that it should last no longer, declaring that it was a tax which ought to be reserved for war—not such a war as that in Affghanistan, but a European war. It was impossible for any one who knew any thing of the history of the country, to assert that the proposed tax should be termed a war tax, or to contend that, after a variety of taxes, to the amount of many millions, had been repealed, this was the first tax to which the Government of the country should now have recourse, in order to place its finances in a proper and right condition. [*Cheers.*] He gave hon. Gentlemen the benefit of their cheers. He was happy they had reserved their voices for those cheers. There was no one more ready than he was to admit the discrepancy which at present existed between the income and expenditure of the country, or the necessity for removing that discrepancy. He did not stand there to assert that no tax should be imposed, or that, if the measures proposed by her Majesty's late Government were now to be adopted, it might be unnecessary to impose some tax, in order to make up the present amount of deficiency; but the question was whether a tax which had been denounced in 1816 as the most odious, the most inquisitorial, and the most intolerable that human ingenuity could devise, should, without the existence of that necessity which was created by the circumstances in which the country was then involved, be the very first they ought now to have recourse to, in order to meet what the right hon. Baronet himself conceived to be a slight deficiency in the revenue, as compared with the expenditure of the country. He regretted he did not see the right hon. Gentleman the Member for Montgomeryshire in his place, as he had been one of the most strenuous denouncers of that tax in 1816; but, whatever might be his opinion respecting the present proposition, and whatever might be the opinion of many hon Members on the opposite side of the House, who had so recently and so deeply pledged themselves to their constituents, he had not the slightest doubt that, in spite of those opinions, and in spite of the opinions of their constituents, the right hon. Baronet's proposition would be supported by a large majority of the House. He, however, was fully confident that, after a short experience of this tax, with its inquisitorial process, which the right hon. Baronet was so slow to detail to the House, and which, it now appeared, he wanted to fix upon Lord Grenville, Lord Grey, and the Marquess of Lansdowne—a process which was absolutely essential to it, in order to extract the money from the pockets of the people—he was confident that, after a short time, the same feelings of hostility would be engendered towards it as in 1816, and that its repeal would be indignantly demanded by those who were now about blindly to follow the right hon. Baronet, as observed by one of the right hon. Baronet's own supporters, in the measure he had proposed for their adoption. What were the arguments by which this tax was supported in 1816? Why was it that, although the people had been told that it was only to last during the war, that it was purely a war tax, why was it that an attempt was nevertheless made to continue it? Because, as argued at the time, if it were not continued, the Government would be driven to the necessity of imposing an additional tax upon articles of consumption, which would be more obnoxious. But, notwithstanding that, and notwithstanding that the country was then enduring both those taxes, they unhesitatingly adopted the fresh taxes alluded to from an anxious desire to get rid of the Income-tax and its inquisition, which they felt there was scarcely any necessity great enough to justify. To the promises held out upon the occasion the House of Commons of that day turned a deaf ear, knowing, as they did, that no essential modifications could take place in the machinery of the bill if the tax were to produce the amount of revenue which the Minister required. Did any one now think that in the proposed measure any modification could be made in the mode of collecting the tax, or that it could be divested of that inquisitorial character which constituted its crying sin in the eyes of the people, who were willing to make the sacrifice it involved, when the honour or interests of the nation were concerned, and when there was no other escape from shame and insecurity, but who felt that it was not to be resorted to while any other means remained that could be resorted to for supplying a deficiency in the revenue? It was then said that it would be continued only for a limited period of time—for three years. The Chancellor of the Exchequer went so far as to say that it should only be for two years; but the House resolved that it should end at once. They were now called upon not to continue, but to commence the tax, and with a view to its collection, to create an amount of machinery which he was very much surprised had not, ere this, called up the hon. and gallant Member for Lincoln, seeing, that it involved the appointment of commissioners for general purposes, and additional commissioners, and then again special commissioners, who formed the only modification in the bill. He really did not see either what was to prevent their being told, if for the purpose of equalling the revenue of the country, with its expenditure, they were to resort to this tax instead of imposing taxes upon articles of consumption—he did not see why they might not be told at the termination of the three years, and with double strength in the argument, too, that it would then be much better to continue the Income-tax, seeing that the machinery for it was complete, than to go to the expense of constructing fresh machinery for another description of tax. Although he did not think it would be an easy thing for a Minister to effect, still he felt, that there was no security against the tax being made permanent if the House now consented to it. It was not his intention to go into any statement of figures, respecting the revenue and expenditure of the country, the House having already had placed before it ample details upon that part of the subject in a more able manner than he could pretend to. He took his ground upon these facts—that no sufficient necessity had yet been shown for resorting to so objectionable a measure; that the country had, with one voice, at the close of the war, demanded, that the tax now proposed, even suffering, as they then were, under the weight of other taxes, should be the very first to be removed; and that no argument had been advanced to prove, that under the necessity which now existed of imposing fresh taxes, this was the first to which recourse ought to be had. When he spoke of the necessity of imposing taxes, and when hon. Gentlemen opposite made reference by their cheers to the causes which had produced the present deficiency in the revenue, he could not acquit those hon. Gentlemen of the responsibility of having assisted to create the necessity on which their own case depended. Did any one pretend to say, that if the measures proposed last year by her Majesty's Government had been adopted, they would not have prevented that necessity? Then, he hoped, that hon. Gentlemen opposite would undertake to make some speeches on the subject, and attempt to show, that if those measures had been adopted, the same deficiency in the revenue would still have to be provided for, and the same necessity for raising 4,000,000*l.* by an Income-tax would still exist. He hoped some one on the other side would rise. After the frequently repeated statements on that side of the House—after the delivery of several speeches, all of which had been left unanswered—after arguments had been used which were admitted, so far at least as intelligible sounds were concerned, for if hon. Members did not keep that silence which was said to give consent, they at least tacitly assented by declining to enter upon any argument of the question—after, he said, this almost unbroken silence on the other side, he did trust, that those who had as yet only expressed their sentiments by an occasional cheer, would condescend to show the converse of his proposition, that if the measures of last year had been adopted, there would have been no necessity for a tax condemned by the country as the most inquisitorial and odious that could be imposed. Feeling that, in fact, the arguments on that side of the House were exhausted—feeling that those arguments were exhausted as they were unanswered—he would not detain the House by going any further into the subject. His object had been merely to elicit some opinions favourable to the plan, from the silent Members on the other side. Finding that they had been so anxious to go to a division without further argument, he himself had been desirous, that the debate should not close without the House being permitted to hear some of the valuable explanations which were, no doubt, yet forthcoming. He called on them to let the House hear their opinions. If they objected to the length of discussion, he would refer them to the debates which had taken place on this question on former occasions. They would find that week after week previous to the Chancellor of the Exchequer of 1816 coming down to the House with his Income-tax proposition, the subject had been discussed almost daily on the presentation of petitions, and that in these preparatory discussions some of the ablest and most argumentative speeches had been delivered, that had ever been heard within those walls. He trusted this circumstance would be borne in mind when hon. Members talked of the length of time occupied in discussion. In the present Parliament a rule, which he admitted to be a salutary one, preventing their debating an important subject upon the presentation of petitions; but however wholesome the rule might be, they ought to take it with this qualification—that the prevention of discussion at one period, occasioned more discussion at another, and that they ought, therefore, to be less impatient and more willingly afford time for deliberation when the question came to be considered. For his own part, he would have no objection to go to a division at once, if the silent system was to be maintained; but in doing so, he must beg to absolve himself from all the consequences the vote of the House would entail, and he must also beg leave to express his earnest hope that if they did impose the tax, the people would patiently bear its burden, and that the Government would find that they were not throwing away the weapon which had been reserved in store to meet the real emergencies of an European war.

Colonel *Sibthorp* said, it was not his intention to have troubled the House upon this question, had not the right hon. Baronet who had last spoken alluded to him, though for what reason that allusion had been made he did not know. The right hon. Baronet had said that hon. Members around him (Colonel Sibthorp) were poked into the seats which they occupied, and were bound to give their votes for the motion of the right hon. Baronet at the head of her Majesty's Government. But when the right hon. Gentleman inveighed against that measure of his right hon. Friend, whom he was glad to see holding the responsible situation to which the country and the full voice of that House had called him—when the right hon. Gentleman called upon the Premier to say why he pursued those measures which he had introduced for the purpose of augmenting the finances of the country, he begged to ask him in return, why the late Government by their mismanagement, their duplicity, had placed the finances in their present deplorable position? The right hon. Baronet was called upon to resort to strong measures to cure the evils which had resulted from the extreme delinquency of the late Government. Hon. Members opposite were afraid to come forward as men of courage, and they only sought to take measures which were in themselves dangerous, and to adopt low and vulgar and flippant remedies. When he saw the noble Lord opposite venturing to send forth his spleen, smarting under the loss of power, of place, and of salary, he told the right hon. Baronet, who had shown a manliness which the noble Lord had not exhibited on any one occasion during the last ten years, but who had sought from the tail what he could not find in the head; when he saw the noble Lord dare to stand forth in opposition to upright, honest, and independent men, he called on the right hon. Baronet to laugh to scorn such attempts to oppose his views. The right hon. Baronet who had last spoken had said that his right hon. Friend (Sir Robert Peel) possessed a tower of strength in his party; he believed that he did, and that that party would support him in all his difficulties. He had considered himself called upon to make these few observations, in consequence of what had fallen from the right hon. Gentleman the Member for Devonport, and he could assure him, and the House, that his right hon. Friend near him should always have his support.

Mr. Blewitt moved that the Chairman report progress. [Cries of "*Go on*," and laughter, and cries of "*Adjourn.*"]

Lord *J. Russell* thought that there were reasons to suppose that there were many hon. Gentlemen who desired to speak upon this subject, and he hoped therefore that the hon. Member would not persist in his intention of dividing the committee; for he was not prepared to say that the committee would be indisposed to listen to any hon. Gentleman who might wish to speak. Before they proceeded any further, however, he wished to put a question to the Chairman relative to a point of order, with respect to a motion of which an hon. Member had given notice. That motion was of a resolution upon a question which had been already considerably discussed, namely, whether there should be any exemption from this tax, either in the cases of persons holding terminable annuities, or having incomes from professions or trades, which were life interests. He desired to know whether, if the resolution of the right hon. Baronet was carried, this resolution, which was in effect a modification of it, could be subsequently proposed? He thought that this was a point upon which the committee might reasonably expect some information.

The *Chairman* said, that the resolution of the hon. Member might be moved in committee on the bill to be hereafter introduced, because its effect would be in the nature of a reduction of taxation. At the same time he was bound to express an an opinion that it would be competent to the committee to omit the words of the resolution, which by the effect of the amendment to be proposed would be expunged, and to vote that the resolution should be adopted in its terms, or that any part thereof should be omitted.

Mr. *Blewitt*, upon being called upon, declared his intention to divide, for he believed that it was the general opinion of the country that this question had been pressed on in a despotic and aristocratic way.

Sir *R. Peel* was understood to say, that the right hon. Baronet the Member for Devonport had said, that he was perfectly ready to go to a division, and he had believed that he had spoken the feelings of hon. Gentlemen around him. He hoped, therefore, that the committee would mark its sense of the motion which had been made by decidedly refusing to assent to it.

Lord *J. Russell* had as yet expressed no opinion as to the course to be taken; but he had no wish to prolong this debate; and if the hon. Member persisted in his motion for an adjournment, he should think it his duty to vote against it.

Mr. *Protheroe* wished to ask the hon. Member for Monmouth whether he proposed by his motion that there should be a longer discussion on this measure, or whether his object were to mark his dissent from the proposition of the right hon. Baronet? If the latter was his object he could not give him his support, because he did not think that this was a fair way to express such an opinion; if, the former, he equally disagreed with him, in consequence of the early hour of the night (half past eleven) at which the amendment was brought forward.

Mr. *Blewitt* would imitate the caution of the right hon. Baronet, and would decline answering the questions.

The Committee divided on the question that the Chairman do report progress, and ask leave to sit again—Ayes 51; Noes 328: Majority 277.

List of the AYES.

Aglionby, H. A.
Bannerman, A.
Berkeley, hon. H. F.
Bernal, R.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfeild, W.
Cobden, R.
Colborne, hn. W. N. R.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Capt.
D'Eyncourt, rt. hon. C. T.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Ellice, E.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Jardine, W.
Johnstone, A.
Marshall, W.
Martin, J.
Maule, right hon. F.
Mostyn, hn. E. M. L.
Murray, A.
O.Brien, C.
O'Brien, J.
O'Connell, M. J.
Pechell, Capt.
Plumridge, Capt.
Powell, C.
Power, J.
Ricardo, J. L.
Scholefield, J.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somers, J. P.
Strutt, E.
Thornely, T.
Villiers, hon. C. P.
Vivian, hon. Capt.
Wakley, T.
Williams, W.
Wood, B.

TELLERS.
Blewitt, R. J.
Bowring, Dr.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Aldam, W.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Ashley, Lord
Astell, W.
Attwood, J.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baillie, H. J.
Baird, W.
Balfour, J. M.
Barclay, D.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Major
Berkeley, hon. C.
Berkeley, hon. Capt.
Bernard, Visct.
Blackburne, J. I.
Blake, Sir V.
Bodkin, W. H.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Campbell, Sir H.
Cardwell, E.
Carnegie, hon. Capt
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chapman, B.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Christmas, W.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Colebroke, Sir T. E.
Cole, hon. A. H.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Copeland, Alderman
Corry, rt. hon. H.
Courtenay, Visct.
Cowper, hon. W. F.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dawson, hon. T. V.
Denison, J. E.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Duff, J.
Duffield, T.
Duke, Sir J.
Duncan, Visct.
Duncombe, hon. O.
Dundas, hon. J. C.
Du Pre, C. G.
East, J. B.
Easthope, Sir J.
Eaton, R. J.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Ellis, W.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Evans, W.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J. W.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greenaway, C.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Grosvenor, Lord R.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Hawkes, T.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holdsworth, J.

Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Howard, hn. C.W. G.
Howard, hn. E. G. G.
Howard, hon. J. K.
Howard, Lord
Howard, Sir R.
Howick, Visct.
Hutt, W.
Ingestre, Visct.
Jermyn, Earl of
Johnson, W. G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Labouchere, rt. hn. H.
Langston, J. H.
Larpent, Sir G. de H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lygon, hon. General
Macaulay, rt. hn. T. B.
Mackenzie, T.
M'Geachy, F. A.
M'Taggart, Sir J.
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Milnes, R. M.
Morgan, O.
Morris, D.
Morison, General
Mundy, E. M.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, right hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Packe, C. W.
Paget, Col.
Paget, Lord W.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Pigot, Sir R.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pulsford, B.
Pusey, P.
Rae, right hon. Sir W.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Scott, R.
Scope, G. P.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, J. A.
Smyth, Sir H.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tancred, H. W.
Taylor, J. A.
Tennent, J. E.
Thompson, Ald.
Thornhill, G.
Tollemache, hn. F J.
Tollemache, J.
Tomline, G.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Troubridge, Sir E. T.
Tufnell, H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Ward, H. G.
Wawn, J. T.
Welby, G. E.
Wilbraham, hn. R. B.
Wilde, Sir T.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, C.
Wood, Col.
Wood, G. W.
Worsley, Lord
Wortley, hon.
Wrightson, W. B.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Freemantle, Sir T.
Baring, H.

On the question on the resolution being again put, Dr. Bowring we believe moved that the Chairman do leave the Chair.

Mr. *Blewitt* said, that he did not know what factious motives could be charged against him with reference to the proposition which he had made. The right hon. Baronet, when he turned out the late administration, said that he required time to consider the measures which he should submit to the House, and he took five months to deliberate on the propositions which he had proposed. The chief of them he announced to the House on Friday week last, and on Friday last he explained the machinery of his measure, and he asked the House that night to come to a decision on this tax, although the country had had no time to consider it. Whether the motion for adjournment under such circumstances, would be considered a factious motion, he would submit to the country to determine.

Captain *Berkeley* observed, that he had voted with the majority in the last division, as he thought that it was too early a period of the night to adjourn, but the motion for adjournment at that period was no more a factious proceeding than the dead silence of the right hon. Gentlemen opposite, after the powerful speech of the right hon. Member for Devonport.

Sir *G. Grey* said, that the observation he had made was, that the attention of the House appeared exhausted by the many speeches which had been made on his side of it, to which no answer had been attempted on the opposite side. He had stated that he was not prepared to go into any lengthened arguments on the subject, but he never intended to intimate for one moment that ample time should not be given to hon. Members to express their opinions on this subject if they considered the interests of their constituents required it. He had voted with the majority on the last division, because he thought that it was not necessary to adjourn the debate at so early an hour as half past eleven, if Members on his side of the House wished to speak, and not on the other.

Mr. *Fox Maule* had voted in the minority, and intended to vote in the same way that he had done before if a second division took place, and he did so on the principle that he was anxious to prevent a decision being come to on this question. He repeated, that he wished to see the vote on this resolution determinedly delayed. He would appeal to the right hon. Baronet on the course that he was attempting to pursue. He had told him that very night, that whatever might be the opinion of the House on the subject, the vast majority of the people of the country to which he belonged did not yet know what was the nature of the resolution which the right hon. Baronet had proposed; and on this ground he should resist by all legislative means of opposing and delaying the propositions until time had been given for their consideration.

Mr. *Vernon Smith* had never known an instance, during the ten or eleven years that he had been in Parliament, when all the Cabinet Ministers had been silent, with the exception of one, on a most important proposition being made to the House by the Government. He could not help feeling that it was treating the House and the country with contempt when such a weighty tax was proposed to be placed on the community. On previous occasions, when the right hon. Baronet had been questioned on this subject, he had refused to enter into any arguments or explanations as to the course he intended to adopt with respect to the machinery of the bill; and was it to be borne that hon. Gentlemen on his side of the House should be charged with factious motives for endeavouring to obtain time for the discussion of this question? It was intolerable that that House should submit to any Minister of the Crown forcing forward a proposition of such vast importance in this way, notwithstanding the largeness of any majority which might back him. He was really surprised when he recollected the previous conduct of the right hon. Baronet, that he should have shown such a want of courtesy. It should be recollected that the motion for adjournment was not for an indefinite period.

Sir *J. Graham*, who spoke in a very low tone of voice, said that he was surprised that the right hon. Gentleman should have brought forward such a charge in the absence of the facts of the case, for he thought that it would be in the recollection of the House that his right hon. Friend the Chancellor of the Exchequer, as well as the First Lord of the Treasury, had addressed the House on the subject. Was the right hon. Gentleman really surprised that no more of the Ministers of the Crown had addressed the House on the subject under the circumstances of the case? He confessed that he could not help considering that there was a considerable degree of faction in the motion for adjournment, for he recollected that in the early part of the evening an announcement had been made of opposition to this proposition from the other side of rather an unwonted character, for the noble Lord declared that he should not be satisfied with taking the opinion of the House on the resolution itself, but that on the report on the resolution being brought up, he should propose a counter-resolution as an amendment; and also, that he meant, when the bill was introduced founded on the resolution, to take the sense of the House on the first reading, and again on the second reading, and again on the third reading. He believed, under these circumstances, there would be ample opportunities for discussing the subject. It was for the public convenience that as little delay as possible should take place on the adoption of this resolution, which was only a prelude to the measure itself. Neither his Colleagues nor himself wished to avoid discussion on the subject, but he would leave the country to determine which was the most fitting occasion for taking it. Under present circumstances, to yield to such motions for delay would be only playing the game of the party opposite.

Sir *B. Hall* thought, that the noble Lord had only pursued an honourable and proper course in giving notice of the course which he intended to pursue in opposition to this resolution. He thought that this was the course that any opposition should pursue. He believed that there was a strong wish to come to a determination with respect to this resolution; but in what a situation would the country be placed when it had been stated by the Speaker, that when the resolution had once been adopted by the House, the country could not express an opinion on the matter in the constitutional form of petitioning that House. The right hon. Baronet had wisely, as he thought, refused to give any explanation as to the course he intended to pursue, until he had stated his propositions in detail to the House, and the views on which they were founded; but he begged the House to recollect when they were called upon to assent to this resolution, that the country had had very few days to consider the subject, and to the House itself very little time had elapsed between the proposition and their being called upon to determine on a tax which would press on all classes of the community—favourably, perhaps, as regarded some, but most obnoxiously as regarded others. Ample time should be given to the country to consider whether it was expedient or not to adopt such a tax, and whether the deficiency in the revenue might not be made up from other sources. He thought that the proper course to have pursued from the first, was to have given the House and the country time until after Easter to consider this proposition, and he trusted that this would be assented to on the present occasion. For his own part, he never had, and never would, offer anything like a factious opposition to this or any other Government. He repeated, that time should be given for consideration, and if the right hon. Baronet would not allow the country the opportunity to consider the matter, and to petition the House on the subject, he, for one, should feel himself justified in resorting to every course which the forms of the House allowed to delay the proposition, with the view of giving the country time for deliberation.

Sir *R. Peel* was surprised to hear the right hon. Member for Northampton charge him with treating the House with a want of courtesy. Sometimes he had been charged with making speeches of too great length, and on this subject he had addressed the House on the first occasion for three hours and a half, when he endeavoured to make the matter as clear as he could. Objections had been most ably urged a few nights ago to his proposition by the right hon. Gentleman, the late Chancellor of the Exchequer, and by the noble Lord, the Member for the City of London, and he had replied to them at great length in further explanation and defence of the views which he had deemed it proper to take. As far as the general proposition went, he thought that he had exhausted all that he had to say on the subject; and looking to the many important measures which had to be discussed, he thought that it was more consistent with true courtesy to the House—for certainly he had no intention of showing any want of courtesy—to keep silent, instead making another speech of from an hour of and a half to two hours' length, repeating what he had said before. The right hon. Gentleman had that night said, that he (Sir Robert Peel) had not indicated the machinery which he intended to adopt to carry out his proposition; he was fully aware of this, and he did not do so because it was not yet before the House. He was sure that what the country then wanted was to see the measure which he proposed to carry in a tangible form, and this could not be done until the resolution had passed. He repeated, he could not possibly indicate the machinery of the measure until it was before the House. The division for the adjournment of the debate had that night been taken soon after eleven—he believed about half-past eleven, and at that time there appeared to be no disposition to rise to address the House by Gentlemen on either side. His right hon. Friend, the Chancellor of the Exchequer, and himself, to whose department this measure more particularly appertained, had exhausted what they had to say on the subject, and other hon. Gentlemen who had intimated that their constituents felt deeply interested in the question, had exhibited no disposition to rise to address the House, but they had expressed their determination to resist the progress of this measure in every possible way. Under these circumstances the division took place. He begged the House to recollect that the country would watch their discussions on that question. He might, perhaps, be allowed to state, that at half-past seven o'clock that evening he counted the number of Members who were seated on the benches opposite, and he found that there were only twenty-seven present, and he must add that there were not many more on his side of the House.

Sir *George Grey* observed, that by a remarkable coincidence he had counted, at about the same time, the number of Members on the opposite (Ministerial) benches, and he found that the number corresponded with that just stated by the right hon. Baronet.

Lord *John Russell* said that, so long as it appeared that hon. Gentlemen were desirious of addressing the House on the subject before them, he, for one, would not join in any vote which should have the effect of putting an end to discussion; but certainly when an hon. Gentleman, at half-past eleven o'clock—an hour when the debate might have conveniently gone on—proposed an adjournment, he could not support him. At the same time, before the House of Commons took upon itself the task — the ungrateful, and, in many eyes, the odious task—of imposing a new tax, he was clearly of opinion that he should have time to consider the subject maturely, and to obtain the opinion of their several constituencies.

Mr. *Brotherton* said, the motion for adjournment had been made by the hon. Member for Monmouth without any previous concert with other Members on that side of the House; but he had voted for it for this reason, that he had been informed that morning that his constituents were preparing a petition against the measure, and he was desirous they should have an opportunity of laying it before the House; and he further understood that the Members for Manchester, and Bolton, among others, were anxious to address the House at this stage of the measure.

Lord *Worsley* had voted with the majority on this occasion, and he believed that as little now as on other occasions was his conduct liable to the imputation of factiousness; but he certainly considered it was due to the constituencies of the country that they should have time to consider the right hon. Baronet's proposition. He had received a communication from the Secretary of the Agricultural Society, of which he was a member, informing him that a meeting on the subject would be held on Thursday next; and he did not conceive that he was acting factiously in requesting of the House of Commons that the vote on this subject should be put off until after Easter, in order that his own constituents and the country at large might have an opportunity of considering the question, a question of no light import be it remembered, but a question whether the people of this country were to pay a war tax in time of peace. From letters he had received from different parts of the county he represented, he found that when the news arrived there of the right hon. Baronet's proposition as to the new tariff and the new tax, these things, coupled with the right hon. Baronet's Corn-law Bill, excited such a panic as had not been witnessed among the farmers for a great number of years. There were a great many points connnected with this tax which would nearly affect the agricultural constituencies, and it was highly desirable that this wide-spread interest should have full time for considering the subject, and expressing their opinions upon it.

Mr. *T. Duncombe* said, he did not exactly know what was meant by the use of the term factious on this occasion on the opposite side, except, indeed, on the principle that everything that was disagreeable to a Ministry, a Ministry called factious; in this way Members on his (Mr. Duncombe's) side of the House were charged with being factious, simply because they asked for delay. Delay was all they asked; they did not require hon. Gentlemen opposite to make their speeches to-morrow or the next day; but they wanted the House to delay the matter till after Easter, that the country, in the meantime, might consider the question. Their object, he would repeat, was delay—procrastination. What hon. Gentleman opposite aimed at was precipitation. The country considered the haste as most indecent. He had had many requests made to him by his constituents to endeavour to defeat this measure in every way that the rules of the House would admit of; and this was the feeling, not only of his constituents, but it would be the feeling of the great majority of the nation after Easter. Hon. Gentlemen opposite knew this perfectly well; they knew that the longer the measure was delayed, the greater the opposition to it. They were in a condition now to tell the House they had had no complaints from their constituents on the subject; but let Easter pass over, and they would have no chance of pleading such ignorance; and this was the reason Government wished to press on the measure in this indecent manner.

The committee divided on the question that the Chairman do leave the Chair.—Ayes 91; Noes 241: Majority 150.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Bannerman, A.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blackstone, W. S.
Blake, Sir V.
Blewitt, R. J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Bulkeley, Sir R. B. W.
Buller, C.
Busfeild, W.
Chapman, B.
Cobden, R.
Colborne, hon. W. N. R.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
D'Eyncourt, right. hon. C. T.
Duff, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, hon. J. C.
Easthope, Sir J.
Ebrington, Visct.
Ellice, E.
Ellis, W.
Ferguson, Col.
Forster, M.
Gibson, T. M.
Greenaway, C.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hawes, B.
Hindley, C.
Holdsworth, J.
Howard, hn. C. W. G.
Howard, hon. J. K.
Hutt, W.
Jardine, W.
Johnstone, A.
Langston, J. H.
Mangles, R. D.
Marshall, W.
Martin, J.
Morris, D.
Morison, Gen.
Mostyn, hn. E. M. L.
Murray, A.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
O'Connell, M. J.
Ogle, S. C. H.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Powell, C.
Power, J.
Pulsford, R.
Ricardo, J. L.
Scholefield, J.
Scott, R.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Somers, J. P.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Villiers, hon. C. P.
Villiers, F.
Vivian, hon. Capt.
Wakley, T.
Wason, R.
Wawn, J. T.
Wilde, Sir T.
Williams, W.
Wilshere, W.
Wood, B.
Wood, G. W.
Wrightson, W. B.

TELLERS.

Bowring, Dr.
Maule, right hon. F.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, M.
Ashley, Lord
Astell, W.
Attwood, J.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baird, W.
Balfour, J. M.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, Sir R.
Beckett, W.
Bell, M.
Benett, J.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Collett, W. R.
Colvile, C. R.
Compton, H. C.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Dowdeswell, W.
Duffield, T.
Duke, Sir J.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J. W.
Follett, Sir W. W.
Ffolliott, J.
Forbes, W.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon Sir J.
Granby, Marquess of
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grimston, Visc.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Howard, hn. E. G. G.
Ingestre, Visct.
Jermyn, Earl
Johnson, W. G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lygon, hon. Gen.
McGeachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Milnes, R. M.
Mitchell, T. A.
Morgan, O.

Mundy, E. M.
Neeld, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pigot, Sir R.
Pollock, Sir F.
Praed, W. T.
Pringle, A.
Pusey, P.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Scrope, G. P.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smollett, A.
Somerset, Lord G.
Somerton, Visct.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hn. F. J.
Tollemache, J.
Tomline, G.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Waddington, H. S.
Wilbraham, hon. R.B.
Winnington, Sir T. S.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

Question on the original resolution was put.

Mr. *T. Duncombe*: The minority had increased on the last division, and he trusted that hon. Gentlemen opposite would give time to the House and to the country to consider the measure under their notice. Several hon. Gentlemen on his side of the House were desirous of addressing the committee. He asked for time, however, not on that account, but that the question might be fully and fairly discussed; and if the country then approved of the Income-tax its consent would be given with open eyes, and it would have had an opportunity of making up its mind as to the measure proposed by the right hon. Baronet. Hon. Gentlemen opposite had made a great mistake in asking the House to agree to the motion that evening; they would afterwards thank them (the Opposition) for delaying it. He concluded by moving that the Chairman do now report progress, and ask leave to sit again.

Sir *Robert Peel* would not be voluntarily a party to any postponement of the resolution being come to. He could not resist obstructions thrown in the way of the House in the way in which they had been, but he repeated, that he would not voluntarily be a party to the postponement of the resolution because he believed that the House was then in a position to pronounce an opinion on that preliminary question. If the sense of the country should prove to be against his proposed measure, that sense might be manifested at an after period of the discussion; and if it was as hon. Gentlemen opposite anticipated that it would be, that sense would produce its effect upon the progress of the subsequent stages of the bill. The noble Lord, the leader of the opposition, had given notice of his intention to take the sense of the House on the several stages of the bill—on the first, second, and third readings of the bill. These stages could not be proceeded with until after Easter, but the bill could not be proceeded with at all until the preliminary resolution had been voted. His belief was, that the sense of the country would be found to be in favour of his bill; and he had relied in proposing the measure, and in encountering the difficulties which must attend its proposing, and, as he hoped, its ultimate passing—he relied upon the willingness of the people to bear the burden which he believed to be necessary for the maintenance of the public credit and the support of the national honour; and he was convinced that the proceedings of that evening would not tend to disincline the country to the adoption of his measure. It was his intention if he was prevented from proceeding with the resolution to propose the very earliest day he could fix for its further consideration. He should propose its further consideration for Wednesday, and he should be in the House ready to discharge what he felt to be his duty, and to propose, that the debate on the resolution should be then continued, in order, not that he might be enabled to take the sense of the House on a property-tax, but that he might be enabled to notify to the country what were the regulations he proposed to adopt—what was the machinery he proposed to make use of in carrying it into effect. He would have no opportunity of doing so until the House should have adopted the resolution, and the bill founded thereon should have been before it. He felt that that bill ought to be discussed at that period of the Session when they were most certain of a full House. He was most anxious to have an opportunity of forwarding the measure, but, at the same time, he knew from long experience what must be the result of opposition such as he was then encountering. He had voted with great satisfaction in the majority on the first division. He understood that that division had respect to the period of the evening at which it was judged advisable that the debate should be adjourned—that period was half-past eleven, certainly a period not too late for the discussion of such an important question. The second division he understood to be one upon a substantial point whether or not the resolution had been sufficiently discussed, and whether or not the House was in a condition to pronounce upon its merits. In the first division, those of the Members of the late Government, who were present, voted in the majority; on the last they retired from the House. He did not complain of that retirement. He believed that it indicated their opinion that he was justified in urging the vote, and that the subject was so far discussed, that the House was competent to pronounce an opinion upon it. But these votes having taken place, he was unwilling that—however great the majority might be—there should ensue a succession of contests which must terminate in the minority carrying their point. The first step he should, therefore, recommend to his Friends would be not to oppose the motion. The sense of the House on the question had already been satisfactorily manifested. He spoke without anger, without fear. They would reap the benefit of that night's proceedings. He for his own part would not oppose the motion. He protested against it, but he repeated that he should propose that the resolutions should be proceeded with upon the earliest possible day—upon Wednesday.

Mr. *Fox Maule* said, the right hon. Baronet opposite had assumed with great self-sufficiency that his measure would prove acceptable to the country. He begged to ask the right hon. Baronet his authority for making such a statement? Did he find it in the newspapers? As far as he could understand, the public press best indicated the state of feeling of the country. He thought that the right hon. Baronet could hardly refer to such a source for a confirmation of his statement. He was one who had voted in the minority, in the full conviction that delay was necessary for the consideration by the country of the measure proposed by the right hon. Baronet. And in voting in that minority, he begged completely to differ from the statement of the right hon. Baronet, that his measure would be acceptable to the country, and the more he was able through the channels which were open to him, to gather of public opinion, the more he was convinced that the object of Government in hurrying the resolutions through the House, was to shut up those avenues through which the country could express its objections to the measure. He was convinced that the proceedings alluded to could not have been adopted with any other purpose. [Cries of "*Order*," and "*Chair*."] He begged the House to listen for a moment—he would not detain them. He only begged to say, that when the right hon. Baronet charged those who voted in the minority with having adopted that course from motives which they repudiated, he would take the liberty of telling that right hon. Gentleman that in the course which he had deemed it his duty to take, he was as willing to meet him in the arena of public opinion as he could be.

Sir *T. D. Acland:* The right hon. Gentleman said, that the object of the proceedings of those opposite was delay, and not discussion. He was persuaded that their course that night was a wish to have the public decide upon the measure before they knew its nature. He wished no better justification of his vote than that he wished the measure should be presented in as complete a form as possible for public consideration, whereas hon. Members opposite wished it to be determined on before it could be properly discussed. He was very happy to leave the hon. Gentlemen opposite in the predicament in which they had placed themselves.

Mr. *C. Buller:* The hon. Gentleman and the right hon. Baronet had viewed the conduct of the Opposition in a light which the right hon. Baronet must in his cooler moments disapprove of. He perfectly admitted the impropriety of adjourning the debate at half-past eleven; but when it was considered that their usual hour of adjournment was twelve o'clock, he thought it would be more courteous not to offer any obstruction to the motion for adjournment. And let it be recollected that after all, the House had only been one night and a half in committee on this important subject. There was one ground taken by the right hon. Baronet which I must say justified any opposition which might be given to his proposal, and that was, that he had further revelations to make with respect to his machinery. He did think it was the most preposterous thing he ever heard in that House that the proposal of an Income-tax, the whole of which turned on the machinery, should be saddled on the country, because the right hon. Baronet had some further disclosures to make which were so important that he could not divulge them except at a late stage of the measure, and that the Opposition should be charged with refusing him an opportunity for explanation. Who was it that refused to place the measure at once in all its bearings before the country? The right hon. Gentleman, who took a course the very opposite to that of all his predecessors who had to deal with a tax of this kind, and particularly to that of Mr. Pitt, who stated on the first introduction of the bill his whole machinery so clearly, that no subsequent explanation was necessary. The right hon. Baronet had two deliveries, and was not able to get out his meaning after all. It was very hard to ask for postponement again, on the ground that a third might be expected.

Sir *R. Peel:* What he said in reply to some hon. Gentleman, who called on him to "vindicate" the machinery of his bill was, that it was impossible to do so until the details which related to it came on for discussion. There were fifty or sixty clauses, and to attempt to describe them at once would be perfectly preposterous, and a waste of time. But he had stated as fully as he could, and in a way in which every man could understand it, the general machinery by which he proposed that the Income tax should be raised. If he were now to enter on details, his address would not be half so satisfactory as reading the bill itself. Perhaps there could not be a more effectual way of at once thinning the House.

The Chairman reported progress.

The Committee to sit again.

Adjourned.

HOUSE OF LORDS,

Tuesday, March 22, 1842.

MINUTES.] BILLS. *Public.*—1^{a} Queen's Prison.

Private.—1^{a} Vere's Divorce; Coward's Divorce; Birmingham and Liverpool Junction Canal; Windsor Bridge; Duke of Bedford's Estate.

2^{a} Imperial Assurance Company; Cottenham Inclosure.

3^{a} and passed:—Stalybridge Gas.

PETITIONS PRESENTED. By the Earl of Bandon, from Passage, that the Cove of Cork may be appointed a Packet Station; and from several Parishes in the Diocese of Cork, and Ross, in favour of the Church Education Society in Ireland.—From St. Andrew's, and other places in Scotland, for the Repeal of the Corn and Provision Laws.—By the Bishop of London, from Wethersfield, against any further Grant to Maynooth College.—By Lords Prudhoe, and Stafford, from Newtown, Limarody, and other places, for an Alteration of the Law of Marriages (Ireland).—By Lord Brougham, from the Literary and Scientific Institution of Liverpool, against the Rates and Taxes to which such Institutions were subjected; and from Clergymen near Leeds, that no Clergyman may be Appointed for Wales who cannot Speak the Welsh Language.—By a noble Lord, from Parishes in Westminster, and Southwark, for a Repeal of the Tolls on Waterloo, and other Metropolitan Bridges.—From S. Bannister, praying for Inquiry into the Intercourse of British Colonists with the Coloured Natives.

MECHANICS' INSTITUTIONS.—INCOME TAX.] Lord *Brougham* having presented a petition from certain members of Mechanics' Institutions, praying that those institutions might be exempt from the window and other assessed taxes, said, he would take that opportunity of expressing a hope that some clause would be introduced into the proposed Income Tax Bill to exempt the funds belonging to these useful institutions from the tax. All charitable institutions, and a great number of the institutions of a collegiate character had been exempted from the former income tax. Mechanics' Institutions were not in existence at that time, the first having been established in England in 1823 or 1824. There were now upwards of four hundred Mechanics' Institutions in existence, and he hoped some measure would be adopted to exempt them from the income tax. He trusted that during the recess his noble Friend would give his attention to the income tax proposition, in order that it might press less inquisitorially on the higher class of merchants, whom in fact it would principally annoy. Some of those had been saved from 1,000*l.* to 3,000*l.* a-year by the reduction of the postage rates, and he was sure they would rather agree to pay what had been saved to them thus, than to have their private affairs exposed by the agents of the income tax.—Petition laid on the Table.

Adjourned.

HOUSE OF COMMONS,

Tuesday, March 22, 1842.

MINUTES.] BILLS. *Public.*—1°· Drainage (Ireland); Australia and New Zealand.

2°· Mutiny; Marine Mutiny.

Reported.—Public Works; Spirit Duties (Ireland).

Private.—1° Tyne Fisheries; Kingswinford Small Debts; Carlow Road; Stockton and Hartlepool Railway; Wicklow Harbour.

2°· Yarmouth and Norwich Railway; Great Torrington Market; Fleetwood Improvement and Market; Saint Austell Market; Kingstown Mariners Church; Liverpool Improvement; Bunsen's Naturalization; Guarantee Society.

3°· and passed:—Birmingham and Liverpool Junction Canal; Duke of Bedford's Estate; Severn Navigation; Windsor Bridge.

PETITIONS PRESENTED. By Mr. J. Bailey, from the Glovers of Worcester, against the Importation of Foreign Gloves.—By Lord Bernard, from the City of Cork, that Cork may be selected as the Packet Station between Bristol and the South of Ireland.—By Mr. Ffolliott, and Lord Bernard, from Sligo, Cork, and Limerick, against the National System of Education.—By Mr. W. Browne, from Westminster, for the Repeal of the Tolls on Southwark, Waterloo, and Vauxhall Bridges.—By Mr. Greene, from Lancaster, against the Buildings Regulation Bill.—By Mr. S. Crawford, from Haddington, for Universal Suffrage, and Vote by Ballot.—By Captain Jones, from Moira, and from places in the County of Down, against the System of National Education (Ireland).—By Mr. Banks, from Wareham, against the Proposed Increase in the Duty on Imported Clay.—By Dr. Bowring, from Dublin, deprecating the War in Affghanistan.—By Mr. M. J. O'Connell, from Tralee, that a Post-office Communication may be Established with the South of Ireland by means of Bristol and the Cove of Cork.—From Whalley, Highgate, Birmingham, and other places, for Repeal of the Corn-laws.—From Blakeney, Norwich, Carlisle, and other places, for Encouraging the Importation of Grain in preference to Flour.—From Mayo, Limerick, &c., against the Corn Importation Bill.—From G. Edwards, for Amendment of the Law relating to the Registration of Voters.—From Boston, and Little Bolton, against the Boroughs Improvement Bill.—From the Hinckley Union, against the Continuance of the Poor-law Commission.—From Sunderland, for Equalization of the Timber Duties.—From Newton Limavady, in favour of the Marriages (Ireland) Bill.—From Bath, and other places, against further Grant to Maynooth.—From Sheffield, for a Law to Prevent Brewers Casks being Distrained for Rent.—From Ticehurst, for Rating Owners instead of Occupiers of Tenements.—From Kerry, for Amendment of the Law of Roads (Ireland).—From Chichester, against the Repeal of the Gilbert's Act.

YARMOUTH AND NORWICH RAILWAY.] On the Order of the Day for the second reading of this bill having been read,

Lord *Dalmeny* rose to propose as an amendment, that the bill be read a second time this day six months. Numerous petitions had been presented against this bill, as it passed over a great quantity of land in the vicinity of Norwich, which was exceedingly valuable for building purposes, which by this railway would be much deteriorated, and for which no adequate compensation could be expected from the railway company, in consequence of their want of funds. Besides this, the River Yare—a large river, navigable for vessels of considerable burden—ran exactly parallel to the proposed line of railway. He believed, that the public would derive no advantage from the constructing of this railway, and he begged leave, therefore, to move that the second reading be postponed till this day six months.

Mr. *Wilshere* hoped the House would not sanction the amendment of the noble Lord. By this railway the time of transit from Yarmouth to Norwich would be reduced to one hour instead of four hours, as at present. He thought he was not asking too much when he requested the House to allow the bill to be read a second time.

Mr. *R. Palmer* said, that it was proposed to carry the railway through some very valuable marshes, which had lately been drained at considerable expense; and he thought, that as the proprietors of those marshes might be injured by the undertaking, they had reason to complain upon the subject. He admitted, however, that any objections should in his opinion, yield to considerations of public interest, if it could be shown, that there was a probability that the line would be completed between Norwich and London. But as no arrangements had yet been entered into with that view, he thought the House should not for the present proceed with the measure. He would, therefore, vote for the amendment.

Mr. *Wodehouse* supported the second reading, as he thought it better to go into committee than to reject the bill at the present stage.

The House divided.—Ayes 75; Noes 16:—Majority 59.

List of the AYES.

Acton, Col.
Aldam, W.
Arbuthnott, hon. H.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Bernard, E. G.
Baskerville, T. B. M.
Berkeley, hon. H. F.
Blewitt, R. J.
Bodkin, W. H.
Botfield, B.
Bowring, Dr.
Broadley, H.
Brotherton, J.
Buckley, E.
Buller, Sir J. Y.
Burroughes, H. N.
Busfeild, W.
Byng, G.
Carnegie, hon. Capt.
Cavendish, hon. C. C.
Chute, W. L. W.
Clay, Sir W.
Colborne, hn. W. N. R.
Crawford, W. S.
Cripps, W.
Dickinson, F. H.
Douglas, J. D. S.
Douro, Marquess of
Duncan, G.
Duncombe, hon. A.
Dundas, hon. J. C.
Eaton, R. J.

Ellice, E.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Forester, hn. G. C. W.
Gore, W. R. O.
Greene, T.
Grosvenor, Lord R.
Hall, Sir B.
Hardy, J.
Henley, J. W.
Hodgson, R.
Hutt, W.
Inglis, Sir R. H.
Kemble, H.
Lambton, H.
Langton, W. G.
Lawson, A.
Lockhart, W.
Lygon, hon. General
Mackenzie, T.
Marsham, Visct.
O'Brien, J.
Patten, J. W.
Plumridge, Capt.
Powell, C.
Round, C. G.
Rumbold, C. E.
Russell, C.
Scarlett, hon. R. C.
Scholefield, J.
Scott, R.
Smith, B.
Stanton, W. H.
Strutt, E.
Thornely, T.
Trotter, J.
Wilde, Sir T.
Wood, B.
Worsley, Lord
Wrightson, W. B.

TELLERS.
Wilshere, W.
Wodehouse, E.

List of the NOES.

Allix, J. P.
Berkeley, hon. C.
Brownrigg, J. S.
Colvile, C. R.
Craig, W. G.
Darby, G.
Hale, R. B.
March, Earl of
Martyn, C. C.
Neville, R.
Paget, Col.
Palmer, G.
Rushbroke, Col.
Vere, Sir C. B.
Waddington, H. S.
Wyndham, Col. C.

TELLERS.
Dalmeny, Lord
Palmer, R.

Bill read a second time.

MAGISTRACY OF DORSETSHIRE — QUARTER SESSIONS.] Mr. *Bankes* requested the indulgence of the House, while he answered a question put to him the other night by the hon. Member for Liskeard. The hon. Member had directed his attention to a statement which had appeared in the public papers, and declared that he had also other sources of information with respect to the matter on which he desired, that certain inquiries should be made. The substance of the hon. Member's statement was to this effect, that in the county of Dorset, the magistrates had expressed a disinclination to a modern practice adopted by the judges, of ordering counsel in every case of prosecution at the public expense, and he said, that according to the information he had received, in order to avoid this proceeding of the judges, the magistrates of that county had, in some instances, adopted a course which he considered improper,—namely, that of committing persons over the assizes to the ensuing quarter sessions, so as to avoid the jurisdiction of the judges. He ventured to state, without any particular knowledge as to the circumstances which happened at the last assizes, that he was quite sure the magistrates of the county never had, and never could, adopt any such course as that which the hon. Gentleman might consider not expedient, at least by any side wind or indirect means. It was perfectly true as respected the ordering of counsel in every case at the assizes, that the magistrates of the county had remonstrated, and would again remonstrate, if that course was again adopted, because they did consider it an unnecessary expense, not only to the county, but to the public at large, who now bore a share in the expense, and they would request the judges to discriminate between those cases which did require, and those which did not require the assistance of counsel. But he was quite sure they had adopted no such course as that adverted to for the purpose of attaining the object they had in view; and he was glad that the information he had received perfectly bore out what he had stated. It certainly was true, and the hon. Member for Liskeard was so far justified, in point of fact, that some offenders were on the occasion of the late assizes committed over to the ensuing quarter sessions. The circumstances which had occurred in that case were these:—There were five prisoners, but they were all included in one charge,—namely, of swindling the poor, a case apparently of conspiracy, in which the parties were persons who had been going about the country cheating the poor by selling them articles with false samples. The magistrates considered, that this was a very important case, as it affected the interests of the poor, and they were very desirous that it should be brought before the public, and that those persons, if they proved guilty, should be punished. The assizes were then within three or four days. The prosecutors were so very poor, that they stated to the magistrates that, if obliged within a limited time to go into court, they could not collect funds enough to enable them to appear at the assizes and carry on the prosecution. The magistrates did not consider that it would be right on their part, they being committing magistrates, however desirous they might be of aiding the prosecution, to furnish the funds necessary, and make themselves at once judges and prosecutors; and they considered, therefore, that it was right to give those poor persons time to see whether they could not, among their neighbours, collect sufficient money to carry on the prosecution. This was the only ground for the statement that had been made in reference to those circumstances. The hon. Member for Liskeard must be aware, with his practical knowledge, that no inconvenience could happen to the offenders in question, because, under the circumstances, the judges would not hesitate to inquire into the case, and liberate them, if it were found to be just, before they left the town; and such was in point of fact the case. The judges, acting in conformity with their duty, having a commission of gaol delivery, did completely deliver the gaol, and those persons, as no prosecutors appeared, were consequently discharged. This explanation would, he hoped, satisfy the mind of the hon. Gentleman who had brought the question forward. The magistrates had no improper view in acting as they had done, and considered they were only doing their duty. They wished to bring before the public a case which deserved the public attention. No blame on account of this case attached to any magistrate of the county of Dorset. He begged, in conclusion, to read a short extract from the charge delivered to the grand jury at the last assizes by Mr. Justice Erskine, whose eminent qualities as a lawyer and a gentleman required no eulogium from him. He said,—

> "When he compared the calendar in that county with that of those counties through which he had then just passed,—namely, Hampshire and Wiltshire, he could not but congratulate the grand jury and the magistrates of the county in which he was then speaking; for whereas in other counties the calendars which had been presented to him were greatly increased; nay, double what they had been on the same occasion last year, in Dorset he had the pleasure of finding the calendar contained only one-half the number of charges it did at the corresponding period last year. He must, therefore, congratulate them on the state of their county and their gaol, and he did hope this happy circumstance would be an encouragement to them all to proceed in a course which appeared so successful in securing the good and sound moral habits of the people."

He trusted this would be sufficient to prevent it going forth to the public, that in acting as they had done, the magistrates were neglectful of their duty, or that they had the meanness to resort to improper modes of carrying into effect the measures they thought right.

Mr. *C. Buller* was exceedingly glad to find, from the statement which had been made, that the magistrates of the county of Dorset had been actuated n taking, what appeared to him an erroneous course, by the very best motives. He had not made any attack on them; nor did he say the practice of which he complained was peculiar to that part of the country. He must also be allowed to remark that his hon. Friend had omitted all reference to the inconvenience he pointed out the other day, namely, that the practice was destructive of public liberty, by keeping prisoners in gaol for a very long time; while, on the other hand, his own statement had proved in at least one instance, that a set of very great scoundrels had escaped the punishment they deserved.

CLITHEROE ELECTION — INTIMIDATION OF WITNESSES.] John Ashworth having been brought to the bar attending the House according to order,

The *Speaker* addressed him as follows:—"John Ashworth, the House has been informed by the report of a select committee appointed to try and determine the merits of the petitions complaining of an undue election and return for the borough of Clitheroe, that you on Friday last interrupted their proceedings, and attempted to influence a witness under examination; have you anything to say in extenuation of your conduct?"

John Ashworth: I have nothing to say but that I am very sorry for what has happened.

No hon. Member desiring to put any question, he was ordered to withdraw.

Sir *R. Inglis* as a Member of the committee, moved, that he be now discharged.

Lord *G. Somerset* said, that in his opinion, previous to the discharge of the prisoner, some notice should be taken of his conduct. He thought he (the prisoner) should be discharged after reprimand.

Admiral *Dundas* thought, that as the person had already expressed contrition for his offence, it would be better to discharge him forthwith than to take up the valuable time of the public by making any more ado about the matter.

Sir *R. Peel:* I am but an imperfect judge of the nature of the offence which has been committed, seeing that the first I heard of it were the observations addressed from the chair to the prisoner at the bar. It appears that this person did interrupt a judicial committee of this House so as to warrant his committal to the custody of the Sergeant-at-Arms. I should be the last to press hardly in such a case, but still I think that the individual should not escape without some reprimand. I am always inclined to lean on the side of leniency; but really, if this person has committed an offence which has required his committal to the Sergeant-at-Arms, I think the slightest punishment he can expect is a reprimand from the Speaker.

Sir *G. Grey* thought, that this was not a case which could be completely passed over; but as the party had appeared at the Bar, and expressed his deep regret, he (Sir G. Grey) thought that a slight reprimand would be sufficient.

Sir *R. Inglis* had thought that the expression of his contrition was sufficient to satisfy the usage of the House.

Lord *G. Somerset* really thought that it was hardly worth while to bring the man to the bar at all, if they now discharged him without a reprimand.

The *Speaker* then put an amendment,

"That John Ashworth be called back, and reprimanded by the Speaker."

Mr. *Labouchere* said, he thought it would be trifling with the House, first to call an offending person to the Bar, and afterwards to dismiss him without some expression of opinion, at the same time he thought that a reprimand was too serious a punishment, and that a simple admonition from the Speaker would be sufficient.

Mr. *Hardy* observed, that the circumstance arose during the examination of a very reluctant witness, who was looking round the room in order to take a hint from some parties, when the person at the bar raised his head from the table and said, Don't answer any questions," which caused the greatest confusion in the committee.

Mr. *Cardwell*, the new Member for Clitheroe observed, that being politically opposed by the person who had been placed at the bar, he was the last person in that House who could be expected to tand forward as his advocate. At the ame time he hoped he might be allowed o recommend him to the commiseration of the House. Being a man without education and dependent upon his own exertions for daily bread, he had already perhaps suffered sufficient for the offence he had committed.

It was agreed that John Ashworth should be "admonished," instead of "reprimanded" by the Speaker, and discharged.

Having been again placed at the Bar,

The *Speaker* addressed him as follows:—"John Ashworth, any interruption of the proceedings of this House, or of any of the committees of this House, can only be regarded as a contempt of its authority, and your offence is much aggravated by the circumstances under which it took place. By improperly interfering with the testimony of a witness under examination, you did your utmost to obstruct the discovery of truth, and defeat the ends of justice. Such conduct cannot be allowed to pass entirely without censure; but the House, always anxious to act with lenity, and taking into its consideration the contrition you have expressed, and believing that your offence was unpremeditated, has directed me to admonish you as to your future conduct; and I trust that this admonition will be a warning to others that this House will not deal so leniently with an offence of this description, if repeated by any other individual. You are now discharged from further attendance upon this House."

On the motion of Sir R. Peel, the admonition was ordered to be entered on the journals of the House.

STATE OF THE NAVY.] Sir *C. Napier* in rising to bring under the notice of the House, the state of the Navy, must express a hope that it would not be supposed by hon. Members on either side that he had any political or party purpose in view. Least of all was his motion to be construed into any disrespect of the noble Lord at the head of the Admiralty; for he believed the right hon. Baronet opposite could have found no civilian whatever who could have acted in the situation that noble Lord had the honour to fill with more propriety, justice, and impartiality. It was to the formation of the board alone that his observations should apply. The board, it was well known, was generally composed of a civilian at its head, four naval officers, and a secretary. He objected to have a civilian at the head of the Admiralty, who might have no naval knowledge, and never, perhaps, saw a ship in his life. It was morally impossible that he could carry on the business of the navy in a proper manner. It was frequently the case that a First Lord finding himself comparatively ignorant of his duties, resorted to some relative of his own, who might not be exactly the sort of persons to be depended upon. The navy ought to be ruled by a Commander-in-Chief, just as the army was. The First Lord was really at present wholly irresponsible. He did not know that he could better establish this position than by referring to a letter which the Earl of Minto himself quoted lately in the other House, relative to the removal of the Mediterranean fleet to Cyprus, and which was addressed by Sir R. Stopford to Lord Ponsonby. The letter commenced thus:

> "*Princess Charlotte, off South End of Cyprus, July* 11, 1839.
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> "I have the honour to inform your Excellency of my arrival here, with the squadron under my command, in pursuance of a private intimation from the Earl of Minto, signifying his wish for the squadron to assemble in this neighbourhood, and to await further orders, &c."

Now his opinion distinctly was, that if the First Lord had authority to convey such a "private intimation" to any admiral in command of a squadron, because it might be inconvenient to bring the matter regularly before the board, the junior Lords were of no use whatever. But this was not all. The Earl of Minto had done the very same thing, as he had shown before with reference to the manning of the navy. When he referred to this subject on a former occasion, it had been said, that great achievements had been effected under the presidency of a civilian as First Lord. It was true that under Earl Spencer three general actions had been fought, but that was no proof that the First Lord should be a civilian. The greatest naval victory—Trafalgar, was gained under Lord Barham, a naval man; and the battle of Copenhagen was fought under Lord St. Vincent, also a naval man. On the other hand, the mutiny at the Nore took place under a civilian, and, as was well known, because the Board of Admiralty had neglected the wants and grievances of the navy. Under the York Administration of the Admiralty no less than four sail of the line were lost in the Baltic, simply because they were kept there at an improper season of the year. We were defeated in America under Melville, because the ships were sent out improperly manned. First of all two or three brigs were taken, and we did not open our eyes till we saw two or three British frigates walked off. It was under a civilian, and during the administration of the late Board of Admiralty, that the British navy ran the risk of being defeated in the Mediterranean in 1840, in consequence of the ships being improperly manned. The representations of the officers were not attended to, and it was owing to want of knowledge in the First Lord of the Admiralty that the ships were never manned as they ought to be. While the navy establishment was kept below the proper point the French were collecting together from various points twenty or thirty sail, and the commanders had orders to take possession of the West-India islands, where the British force only amounted to one frigate and two ships of war. He complained again of the irresponsibility of the Board of Admiralty. The First Lord was a member of the Cabinet, and he alone was not responsible for the ineffective state of the navy, but, of course, the responsibility would be shared by the whole Cabinet. He begged the House to bear in mind that what happened with reference to the West Indies two years ago might happen again. He did not think our relations with foreign powers appeared to be in a very comfortable state, but the right hon. Baronet was the best judge of that. Six sail of the line had been reduced, and he thought it extremely dangerous at the present moment to reduce one line-of-battle ship. Another great objection to the Admiralty, as at present constituted, was, that it regarded political considerations in the distribution of patronage. It was well-known, and not denied by the Admiralty itself, that in this country it was impossible to resist political influence in the distribution of naval patronage, particularly when parties were nearly balanced in that House; so that the patronage of the navy must be sacrificed for party considerations. He did not mean to say that a Minister ought not to have as much right as an admiral to bring forward his son in the navy. But things ought to be managed with some little degree of decency; and he was happy to say, that since the Reform Bill they had been very much ameliorated.

Lord Melville presided over the Admiralty for a considerable number of years, much too long for the good of the country, and, looking over the list of promotions, he found under his Lordship's administration a pretty frequent recurrence of the names of Hope, Johnstone, and Dundas. Then came the Greys, and then a little touch of the Russells; but the promotion given to them was extremely moderate, particularly when it was considered that the noble Lord had held so high a post in the Administration. The right hon. Gentleman opposite (Sir J. Graham) was First Lord of the Admiralty under Earl Grey, but had, he believed, only one relative in the navy. Lord Auckland, fortunately for the service, had no sons or nephews in the navy; but then followed the Earl of Minto, who ransacked the whole of Scotland to find out an Elliot. He was not even satisfied with Scotland, but he went to Plymouth, and as far as the Cape of Good Hope, in the same investigation. He had a letter in his pocket, stating, that under the Earl of Minto's administration of naval affairs a man was taken from the Cape of Good Hope, who had never once served in the navy, and made storekeeper at Halifax, a situation which ought to have been given to an old officer. He trusted the right hon. Gentleman opposite would not follow the Earl of Minto's example. He perceived the name of Grey in the promotion list; and he must say he had not the least objection to Earl Grey's son getting on, provided his promotion was conducted with decency to others. But this was a case in point. Captain G. Grey was an excellent and gallant officer, as well as his brother, but he unfortunately joined, as he learnt from a letter he had, the Jupiter many years ago, and at the same time a young gentleman by the name of Davies joined that ship. Captain Grey had been a post captain for eight years, and now commanded a second frigate, while Mr. Davies, against whom not a single word could be uttered, having served seventeen years as a midshipman, had given up the service in disgust, which excluded him from the last promotion. He had been placed on the coast-guard service, which some people called "the charitable promotion." He saw great objections to the present system of promotions in the navy, by which promotion only was allowed to the extent of one to each three vacancies—that was to say, that if three persons took into their heads to go out of the world there was only one person to supply their place. The promotion, therefore, was very small, and hence the Minister was much pressed to confer promotion on his immediate friends; and the First Lord of the Admiralty had great difficulty to squeeze forward old officers. He thought it would be advisable, to establish a regulation, permitting naval officers, captains, commanders, and lieutenants, to sell out after a certain number of years, under the superintendence of the Admiralty. By the regulations of the Admiralty in respect to [the promotion of captains, lieutenants, and commanders, no man could be raised from a lieutenant to a commander, unless he had served five years in the former capacity, and he could only be raised to a lieutenant from a midshipman after six years' service. But what would be the case if his plan were followed out? Why, all young men asking promotion of the First Lord of the Admiralty would be informed that they must serve the first five years in the one capacity; but he would propose that if they had been only two years as lieutenants, and one year as commanders, they should then have leave to purchase their promotion. This would be a great check to the system of favouritism, and promotions would be more fairly divided than at present between those who deserved and those who did not deserve them. There was an absolute necessity, in his opinion, for a retired list. Of the first 200 captains only nine officers were under fifty-five years of age. The gallant Member referred to several letters written by Lord Collingwood, for the purpose of showing the injury the service sustained, in that officer's estimation, from the appointment of men as naval officers whose only qualification for their situations was interest. In speaking of the promotions which took place at the Admiralty, that noble and gallant Officer declared that he saw many young men advanced who never went to sea without doing some mischief—that it would be better to give them pensions and let them stay ashore—that he had known the case of one lieutenant who had been luckily killed, and thus saved from the mortification which would otherwise have awaited him. He would also again call the attention of the House to the retired list he proposed when the navy estimates were under consideration. His proposition was simply this—to increase the number of out-pensioners of Greenwich Hospital. They were only ten with 80*l.* a-year, in addition to their pay. He would raise the number to 100, and the sum to 100*l.* a-year, beside their pay. This plan would cost the country about 10,000*l.* The whole boon offered by the military commission for fifty old commanders was 6*d.* a-day. The commission had better not have sat at all; but at any rate, the old commanders might as well have the 6*d.* a-day, as it would lend a hand to pay the Income-tax. He thought it desirable that the Government should give a little money for the purpose of forming a retired list, and then the naval force might be divided into two classes—effective and non-effective. He now came to the case of midshipmen. He had already given an instance of a midshipman who had remained seventeen years in that capacity. He believed the number of midshipmen was now very much reduced, but he had not a return of the amount in his possession. He did not think that it would tend to the good of the service, that when a midshipman conducted himself well—when he had gone through his duty with honour and credit, he ought not to be allowed to serve as a midshipman for a longer period than six years after passing his examination, and that then he should be made a lieutenant. With respect to manning the navy, he believed, under proper regulations there would be no difficulty in effecting that object; and the stationing of small ships, as was the case at present, at different ports, such as Liverpool and Newcastle, would facilitate the getting of men. There was an act, the 2nd and 3rd of June, which authorised magistrates to bind parish apprentices to the captains in the merchant service. The provisions of this act were not repealed, and might be made serviceable for the navy, for he would propose that these apprentices, after serving four years in the merchant service, should serve the last three years in the navy. When he stated on a former occasion the propriety of increasing the pay of the petty officers and seamen, the right hon. Gentleman opposite opposed it, on the principle that such a measure would tend to raise the pay in the merchant service. This was a consideration the House ought not to regard, if they thought the pay of the seamen too little. This was a maritime country, and depended on its seamen for its safety and protection, and he thought would never refuse justice to the petty officers and seamen merely because the wages in the merchant service might be raised thereby. In his opinion, more attention ought to be paid to the dockyards and civil stations, with a view to give encouragement to the manning of the navy. When ships got into harbour and were paid off, the seamen who were competent might be employed as sailmakers and ropemakers, &c., and it might be made a rule that men, in order to get into the dockyards, should first serve in the navy. At the end of the war 9*d.* a day was given to British seamen after fourteen years' service. The Government had now taken away that remuneration for fourteen years, and made it dependent on twenty-one years' service. The House would agree with him in thinking, that it was consistent with a seaman's character to look forward to a provision after twenty-one years. If the term were reduced to ten years, and a small remuneration then given, and a promise held out that it would be increased at the end of five years' more service, the men would be trained on gradually, and would be much more likely to serve contentedly than if they were told they should have a comfortable retirement after twenty-one years' service, but nothing before. The plan of giving pensions to officers for wounds required a good deal of improvement. Perhaps it was not known, that by the navy instructions and the Queen's orders in Council, the right was reserved to her Majesty of offering pensions to officers whose wounds entitled them to receive pensions; 150 years ago no pension was given for a wound, unless it was equivalent to the loss of a limb, and in this case a captain got 300*l.* a year; but if the wound was not equivalent, though almost equivalent to the loss of the limb, he did not get a sixpence. He would say what had been said by Mr. Tierney, "give him but a navy well manned and a full Exchequer, and he would defy the world." He agreed with the steps which had been taken by the right hon. Gentleman opposite to man the navy, although he did not agree with the right hon. Baronet in all the steps he was taking to fill the Exchequer. He would now make a statement which he wished to go forth to the public and to foreign nations, because he had observed a great deal of crowing on account of the British navy not having been in the position it ought to have been in in 1840, and it was this—that if the British navy continued to be manned as it was at the present moment, all the nations in the world might keep themselves perfectly quiet, for they might rely on it that they would get a good licking if they did not. He would read three resolutions which he meant to put to the House, and should divide separately on each, they were drawn up with much moderation. Not that he entirely approved of them himself; but, as he could not get all he wanted, and his brother officers would not wholly agree with him, he did not stick so closely to his resolutions as the right hon. Baronet did to his Income-tax, and would therefore take all that he could possibly get. His first resolution was this:

"That it is the opinion of this House that in the construction of the Board of Admiralty the advantage of having that board composed of naval officers should be fully considered, as well as the expediency of having a naval officer at the Board of Ordnance."

His second resolution was,

"That it is the recommendation of this House that previous to the preparation of the estimates for 1843 and 1844, a plan of retirement should be devised with a view to render the naval service efficient, and of rewarding old and meritorious officers;"

And his third and last resolution was,

"That it is the opinion of this House, with the view to encourage and reward the service, that naval civil situations should be filled by naval officers, petty officers, and seamen, in order according to their rank, and that preference should be given, in filling situations in dockyards, to men who had served at sea, as an encouragement to petty officers and seamen."

Sir *J. Graham* said, he must acknowledge the frank, manly, and, he would add, patriotic manner in which the hon. and gallant Officer had brought under the consideration of the House one of the most important subjects that could come before them; and he was sure it was unnecessary for the gallant Officer to have prefaced his motion with the observation with which he had commenced—that this ought not to be a party question. This was a matter in which the whole nation had the deepest interest; it was far beyond all party considerations; and sitting there as the representatives of a great nation to consider a subject with which their freedom was connected as well as the independence and naval supremacy of the country, it was their bounden duty to listen to any suggestion from any quarter having the weight of naval experience, and without flattery he might add that any recommendation from an authority so respectable as the hon. and gallant Officer opposite was entitled to their serious attention. He would endeavour to deal with the different topics introduced by the hon. and gallant Officer as shortly as possible; but some apology might seem necessary that he should have presented himself on this occasion. If it were imagined that he had any personal interest in some of the questions introduced by the hon. and gallant Officer, or if he were not aware, that having had some experience in the consideration of naval affairs, he had acquired a knowledge of the subjects to which the hon. and gallant Officer had alluded, he should not have dealt with the questions now under discussion; but he was bound, with a due regard to the public interest, to state what his opinion was, and was most anxious that no decision should be taken on a subject of such importance in a manner inconsistent with the large interests that were at stake. The first point to which he would refer was the question of the advantage that would accrue to the public, from the exclusive service at the head of the Board of Admiralty of naval officers. On that point the hon. and gallant Officer drew his analogy from the command of the army; and he must demur to that analogy, for it was defective in one striking particular. The Sovereign of this country delegated to the Admiralty the entire authority and command of the British navy. With respect to the army, the reverse was the fact. The Crown did not surrender to the Commander-in-chief any part of its prerogative in respect to the army. The whole discipline of the army was in the hands of the Sovereign; the report of every military court-martial was submitted to her Majesty; the whole question of the removal of troops was guided by her Majesty, through the Secretary of State; the removal of troops in foreign stations was, at her Majesty's pleasure, expressed through the Secretary for the Colonies; and the removal of troops at home was directed by her Majesty, through the

Secretary for the Home Department. With respect to the navy the case was entirely different. The whole authority was absolutely delegated to the Board of Admiralty, and her Majesty exercised no direct control whatever over that board. The whole discipline of the navy was vested in the Admiralty; the whole movements of ships and other matters connected with the navy were entirely under its control. It was very remarkable, that when the hon. and gallant Officer was so anxious to adopt the analogy of the army with respect to the command of the navy, several hon. Gentlemen sitting on the same benches were most anxious, but as he thought most indiscreetly and unwisely, for a reverse course, and to adopt, with respect to the army, the analogy of the navy. The hon. and gallant Officer said that the responsibility of the First Lord of the Admiralty was an imperfect responsibility. He entirely denied that proposition. He contended that both constitutionally and legally, the First Lord of the Admiralty was, in the eyes of Parliament and of the public, mainly, if not exclusively, responsible for the administration of the naval affairs of the country. As a proof of that he would ask what, in the year 1782, was the conduct of the Board of Admiralty in the great struggle of party just before the great contest on the India Bill. This subject was then discussed in both Houses of Parliament. In that House Mr. Fox made a motion on the subject. He did not move a vote of censure on the Board of Admiralty, but he proposed an Address to the Crown in the strongest terms of censure for the removal of the Earl of Sandwich from the head of that board. There was a similar motion in the House of Lords; and what course did the Earl of Sandwich take? Did he shelter himself under the board over which he presided? No, he took a different course. He manfully met the charge; rested the case on its merits; personally took upon himself the responsibility, and most successfully defeated the charge. He also must express his decided opinion, although in the presence of very distinguished naval officers, that as to the distribution of patronage, the First Lord of the Admiralty retained that patronage exclusively in his own hands, and that, not only technically, but really and exclusively, was he responsible for it. And what was the fact? Why, the hon. and gallant Officer, that evening had made some severe strictures on the mode in which that patronage had been distributed at a former period. He had talked of the distribution of patronage by the Earl of Minto, the late head of the Admiralty, and by former first Lords; and in passing he let fall some observations which he could not help hearing without great regret, notwithstanding the qualified terms in which they were made. It was with reference to two young officers, whose personal conduct had met with just commendation, and yet the hon. and gallant Officer seemed to regret their promotion. [Sir *C. Napier*: Not in the least.] He had heard the hon. and gallant Officer with pain, because when he pronounced the name of Grey, his eye fell on a near relative of theirs sitting on the Bench opposite to him (Viscount Howick), and those young officers had, he thought, the strongest claims on the naval service. One of them was the son of Lord St. Vincent's flag captain, and the other was the son of one who as Viscount Howick had possessed the strongest claims on the naval service of the country, who had been at the head of our naval affairs, and whilst there had made great improvements in the naval service. In his old age he had filled the highest post in his country's service, was one of the best statesmen of the day, and, as he knew from intimate acquaintance one of the most honest of men. He would just remark, that the hon. and gallant Officer had held the First Lord of the Admiralty to be responsible for the promotions which he recommended; but what could be more salutary than for the First Lord of the Admiralty, in his place in that House or the other House of Parliament, to be called to account for the mode in which he dispensed the patronage of the Crown? That a knowledge of naval affairs was most materially combined with a knowledge of civil affairs in the Board of Admiralty he was bound to admit, yet when he recollected how very large a portion of civil business was connected with the office of the First Lord of the Admiralty, with the utmost respect for naval officers, and admitting their talent and indefatigable zeal in the public service, he must say that a knowledge of civil affairs and civil administration in the First Lord of the Admiralty did not appear to him to be of less paramount importance than a knowledge of naval matters. He would ask them, was it wise in them to restrict the choice of the Crown in selecting, such an important functionary within the narrow limits of the navy? He was quite aware that it would be most unjust to say, that there were not some naval officers from time to time well fitted to fill the offices of the Admiralty; and some, indeed, who deserved the preference; but were they by a resolution of that House to tie up the choice of the Crown—to exclude at all times civil officers from all high offices connected with the navy, and confine them to those members of the naval service who might be competent to discharge the duties of them? But he should not act fairly towards the House if he stopped there; he was bound to state his full opinion on the subject. The hon. and gallant Officer had touched on the subject of promotion. He would admit, that that was a most important part of the duty of the First Lord of the Admiralty; but he must state his belief, that upon the whole the First Lord when a civilian, acting under a sense of that responsibility as to patronage which he would admit attached to him, was far more likely to act with strict impartiality towards professional men than a naval officer, upon whom political feeling might exercise as strong an influence as upon a civil First Lord of the Admiralty, besides being open also to the influence of personal attachment to messmates and followers; and he assured the hon. and gallant Officer that his opinion greatly preponderated in favour of the advantage which the service would derive from a civil officer than from having a member of the naval profession at the head of the Board of Admiralty. He would go further and say, that if the opinion of the profession were taken, officer by officer, whether upon the whole they thought it more advantageous to the service that a naval officer should be placed exclusively at the head of the Admiralty, he believed, and he was not speaking lightly, that their opinion would be against such a choice. He did not think it necessary to touch upon the speech of the hon. and gallant Gentleman point by point; but there were certain points which he wished just to notice. The hon. and gallant Officer appeared to reprehend the late First Lord of the Admiralty for having written, upon an important occasion, a private letter to Sir Robert Stopford on the course to be pursued. Technically, that might not be a binding order for a commander-in-chief; but he was speaking in the presence of Gentlemen on both sides of the House who were conversant with these affairs, and he might say, that that intercourse between the First Lord of the Admiralty and the commander-in-chief on a foreign station was conducive to the public service, and according to the usage and practice of the best times of our navy. The hon. and gallant Officer thought, that orders ought always to be conveyed to a naval commander-in-chief on a foreign station by directions from the Board of Admiralty. There could not be a greater error. All great naval operations must be conducted in quite a different mode. The Board of Admiralty had not been allowed to be cognisant of the great naval operations which from time to time had been necessary. What was the course that was taken with regard to the great naval expedition to Copenhagen? The strictest secrecy was necessary. The Cabinet were aware of the great object of that expedition; but how was that secrecy preserved? Orders were given by the Board of Admiralty to Lord Gambier, that he was to obey all orders sent to him by the Secretary of State for the War Department; and so on every occasion where secrecy and despatch were requisite, and unity of purpose consequent on mixed operations of the army and navy, it was considered of paramount importance that the Board of Admiralty should no issue the orders, but that they should proceed direct from the Cabinet to the commander of the fleet. The hon. and gallant Officer commented on various topics connected with different naval administrations, and thought that greater success had attended our arms when naval officers were at the head of the Admiralty than when civilians were there. [Sir *C. Napier*: I did not say so.] He was glad to hear the hon. and gallant Officer deny it; and for the best of all reasons—because history did not confirm such an assertion. At the time when the action of Trafalgar was fought, Lord Barham was certainly at the head of the Admiralty; but all the great preparations for that action were made by his predecessor, Lord Melville, who only quitted office in April, as the action was fought in October following. The hon. and gallant Officer also talked of Lord Howe's action in 1782. It was true that Lord Keppel was at that time First Lord of the Admiralty, but it was also true that he had only just succeeded the Earl of Sandwich; and in the House of Lords, when Lord Keppel and his colleagues claimed the merit of that great victory, Lord North said,—

> "True, you have triumphed, but you fought with Philip's troops; the triumph is Lord Keppel's, but the honour belongs to the Earl of Sandwich."

He would mention a fact to that House; he did not believe it to be possible for any human being to have a warmer feeling towards the naval service than our late revered monarch, William 4th.; all his predilections were strongly in favour of that profession; and when he wore the Crown of England he considered it an honour to be a member of it. He remembered that when he had his first interview with his Majesty on his acceptance of the office of First Lord of the Admiralty, his Majesty addressed him and said it was right that he should bear in mind two great examples in the administration of naval affairs. Did his Majesty select naval officers? No. His Majesty told him that the two great examples in his opinion were the Earl of Sandwich and Earl Spencer—both civilians; and when he thought of the whole naval administration of Earl Spencer—the great exploits that were performed during that administration—the immense difficulties with which he had to contend—his invincible firmness of purpose—his confidence in power of the nation, and the triumph in which that confidence resulted, he considered that administration as one of the brightest in the annals of our naval history. But he regarded Mr. Pitt as no mean authority upon the merits of a naval administration. It was not possible for any Gentleman in that House to speak of the late Lord St. Vincent otherwise than in terms of gratitude; that noble Lord was at the head of the Admiralty, in the plenitude of his naval reputation, with all his experience, his character formed, and his command over the service as great as ever was enjoyed by any man; yet, looking back historically, they must say that his naval administration was not fortunate; and Mr. Pitt, having had experience up to 1804, throughout the early part of the French revolutionary war, was able to contrast the merits of Earl Spencer's administration with that of Lord St, Vincent, one of the greatest naval commanders of which this country could boast, and he said:—

> "Great as is my respect for the Lord St. Vincent, I cannot be guilty of the hypocrisy to say this department of the service has been wisely conducted. I have a greater stake even than the reputation of the noble Lord—no less than the safety, the existence of the country, and the fulfilment of my duty, at this critical conjuncture, as a Member of the British Parliament."

Now, he wished the House to listen to the opinion expressed by Mr. Pitt on the merits of Lord St. Vincent as First Lord of the Admiralty:—

> "I admire the uncommon talent of the noble Lord, his vast renown, his glorious achievements; to him we are undoubtedly indebted for having shed extraordinary lustre on the national glory. I did believe"—

And then Mr. Pitt went on to express what had, previously to the experiment, been his opinion on the point—not very much at variance with that of the gallant Commodore:—

> "I did believe that when his Lordship took upon himself the direction of our naval affairs, the public service would derive great benefit from his patriotic exertions and his professional skill. I did believe that his name, in whatever naval capacity, was a tower of strength; but I am apt to think that between his Lordship as a commander on the sea, and his Lordship as First Lord of the Admiralty, there is a very wide difference. It cannot surely be a matter of surprise that Lord St. Vincent should be less brilliant and less able in a civil capacity than in a warlike one; and with all my lofty ideas of his character as a brave and successful naval commander, I shall not shrink from my duty in censuring him for his conduct when presiding at the Board of Admiralty if he should deserve it."

Now, in passing, he could not forbear making a few remarks on some of the statements made by the gallant Commodore; and he could not help regretting that the gallant Officer should have made the observations which he had made respecting the recent condition of the navy. For feeling, as he forcibly did, the vast importance of preserving a proper proportion between the size of ships and the manning of them, and rejoicing, as he did, that his colleagues at the Admiralty had taken measures which he deemed judicious for increasing the crews of our men-of-war, he yet regretted that an Officer of the gallant Commodore's high distinction and talent should have published it to the world, that in his opinion had the Mediterranean fleet been attacked it would have been defeated. The hon. and gallant Officer did injustice to himself. As a Minister of the Crown, he emphatically declared, he had such confidence in the gallant Officer's bravery, his experience, his prompt decision, his firm nerve, and such confidence in the brother officers of the gallant Commodore (for he drew no distinction between him and them, believing them all deserving of equal confidence), that he was firmly persuaded, whatever might have been the advantage of the enemy as to number, their gallantry would gloriously have sustained, in any contest, the honour of the British flag. Alluding, cursorily, to the various topics which had been started by the gallant Commodore,—the gallant Officer had recommended the introduction of the purchase system into the navy. Now, when he had been at the head of the Admiralty, it would have been impossible for this question not to receive his fullest consideration; and indeed it had been peculiarly recommended to his notice by a most able memorandum, drawn up under a former administration: he admitted much might be said in favour of the purchase system, but, in his opinion, after deliberately considering the subject, the argument and the evidence preponderated on the other side. It would be the introduction of an entirely new system into the navy, not consonant with the feelings of the service nor the feelings of the public. Political influence would not by its introduction be superseded, and, superadded to that, there would be the influence of wealth, most injuriously operating to the detriment of unostentatious merit, obscure in poverty. But the hon. and gallant Officer had suggested another course not open to such objections, and he (Sir J. Graham) would frankly tell him, that as to the opening of the retiring list for such aged officers as might be willing, in time of peace, when it would be consistent with honour to acknowledge their infirmities, to retire from active service—he could well conceive of considerable advantage in carrying out such a proposition. Nor had he understood his right hon. Friend at the head of the Government to have ever stated that such a proposition was not worthy of the most serious attention, or even to have unequivocally negatived all consideration of the purchase system. These, however, were great questions which were most safely left in the hands of the Executive; and the passing of peremptory resolutions, on which they could not be calmly and carefully enough considered, would only embarrass the Government, and could not be at all conducive to the real interests of the service. The hon. and gallant officer had alluded to the various measures which had at different periods been adopted in respect to the manning of the navy, and had thrown out a suggestion that when the Poor-law Amendment Bill was under discussion, clauses might be introduced as to the binding of pauper apprentices. Such a measure would not be conducive to the popularity or the efficiency of the navy; and he must tell the gallant Commodore that with regard to boys and landsmen there was not for such a measure the slightest necessity. There was, on the contrary, a quite sufficient resource in the natural disposition among the peasantry on our sea-coast to enter the navy when opportunities were presented to them, and more than were required would always be found, willing, anxious, to enter that honourable service. The gallant officer had sat down with referring to a saying of the late Mr. Tierney, that "had we only a well-manned, well-officered navy, and a full Exchequer, we might defy the world." He cordially reciprocated that sentiment. One portion of it (the gallant Officer admitted) had been already realized, the navy was now well-manned. It would be the effort of the right hon. Gentleman at the head of her Majesty's Government (and his colleagues were determined therein perseveringly to support him) to realize the second part of the proposition —that, whatever might be the deficiencies of the revenue, the revenue should be replenished. Nor had they any doubt, but the strongest confidence, founded upon the patriotism and good sense of the people, that the Exchequer would thus be fully replenished. He must, without the slightest disrespect to the gallant Officer (in many of whose propositions he concurred), but from a sense of public duty, move the previous question.

Captain *Berkeley* said, he felt strongly the difficulty of rising after the right hon. Baronet's most able exposition of the subject; but he owed it as a duty to the gallant Commodore and to the naval service, which, of course, was deeply interested in such a discussion, to express briefly his opinions. With regard to the manning of the navy, as he had had the misfortune to differ from those who were lately at the Admiralty, he would say no more than this, that he very much rejoiced at the measures which had been taken by the present Administration, to remedy the evil which formerly existed in this respect. At the same time, though reluctant to speak on a subject by this time set at rest, he must corroborate what had been said by the gallant Commodore as to the danger of the Mediterranean fleet, respecting which he would say, that four sail of the line, under his gallant Friend, had been within a day and a half's sail of eighteen or twenty Egyptian vessels, with whom had they fallen in,—even had the gallant Officer been desirous of avoiding a contest, which was not likely,—he could not have done so; neither could our ships, imperfectly manned, whatever their gallantry, have been able to contend against such a squadron, of which, otherwise, they would certainly have given a good account. He hoped and believed that British ships would never be in such a situation again; thanks to the prompt measures of the present Admiralty, he believed this would never be the case. With regard to the principle of placing civilians at the head of the Admiralty, he did not see why the resolution of the gallant Commodore, in opposition to such a principle, should be resisted, pledging the House to the adoption of the contrary principle; for the agreeing to the resolution would only express the opinion of the House as to the propriety of placing naval authorities at the head of the Admiralty. He must say, that he could not understand why professional knowledge was to be a disqualification for a First Lord of the Admiralty—at least not exactly a disqualification—but the right hon. Baronet said, it was much better that a civilian should be at the head of the Board than a naval man. It was a common practice to contend, that such matters should be left wholly to the Executive; but Lord G. Lennox had been able to carry a motion in favour of the marines against the Executive, and thus only obtained justice for that corps. He remembered, that when his gallant Friend (Sir C. Napier) brought forward a motion relative to bishops going to the colonies, he was told, that he had much better leave the matter to those who had the management of ecclesiastical affairs. On the same ground, he conceived that a naval man knew much more of naval matters than a civilian could possibly do. Besides this, he could assure the House, that when a civilian visited the dockyard, he had not that weight with the naval officers which a naval man would have. It fell to his lot once, some time ago, to be appointed to a squadron, appointed for a particular service. The First Lord of the Admiralty was expected down. Every officer and man strained his utmost exertions that their several vessels should be turned out in a way fit for a Board of Admiralty to inspect. The First Lord came, he was a civilian—every officer was anxious that his own ship should be examined; and every midshipman and lieutenant was anxious to see the First Lord, and that he should inspect every vessel. The noble Lord visited only one ship, and went away, no doubt, very much tired with the labour of the investigation. He was certain, that if the gallant Admiral opposite, (Sir G. Cockburn) had been at the time First Lord of the Admiralty, he would have made it a point to visit and inspect the different ships, and thus gratify the officers and men. Add to that, that it was upon those minute details, with which no civilian could be thoroughly acquainted, that the efficiency of the navy mainly depended, there was a prevailing feeling throughout the navy—he feared not contradiction when he said so—that they were neglected, and that if they had a naval officer at the head of the service, they would not at least be so much neglected. As he had said upon a former occasion, it was impossible that a civilian could enter into the feelings of officers like a brother-officer. With regard to the number of promotions under the Earl of Minto, and the nature of those promotions, he begged leave to relate a circumstance which had come under his immediate knowledge. At the Coronation, he had recommended a young man of the best character to the Earl of Minto for promotion, confessing to him, however, that he was politically connected with the borough which he had the honour to represent; the reply of the Earl of Minto was, that he would promote a person recommended by him, but it was on condition that he should be entirely unconnected with politics. He did recommend a person of that description, who received an advancement in the service, while the party whom he had originally recommended still remained unpromoted. He mentioned that for the purpose of showing, that the Earl of Minto had not been influenced in the distribution of his patronage by political motives. He had heard nothing which could induce him to think that the navy could not be governed by a naval man, as well as the army was governed by a soldier. Great inconvenience resulted from the adoption of a different system. In the case, for instance, of an equal division of votes among the Lords of the Admiralty, the subject would be decided by a man who might, however, know nothing of the matter. He also felt, that there was so little patronage to be distributed in the navy, that it would be considered the greatest boon by the officers, that one of their own body should be appointed to preside over the service. He could state, that it was his opinion, that there was more difficulty in finding officers to fill situations, than in finding situations to give to officers. There was no reward for all their toil and trouble, and he trusted, that a retiring list would be made for them. He hoped that, with respect to the dockyards, all good artificers, having served a certain time in the navy, would have the first claim to situations in them. It would be encouraging persons to enter the navy, and contribute to render it popular. He had one word to say with respect to the ages of admirals. Hon. Members of that House, who were more than sixty years of age, were exempted from serving on Election Committees, and yet they sent men at sixty and seventy years of age to contend with the elements and the enemies of the country. Having heard nothing to show that naval officers were incapacitated from being placed at the Board of Admiralty, he should vote for the resolution of the hon. and gallant Officer behind him.

Lord *Ingestrie* said, there could be no doubt, whatever the opinions entertained as to the policy of bringing the subject forward in this form and at this time— the service owed a debt of gratitude to the gallant Officer for having brought the navy under the consideration of the House. Opportunities were afforded by such discussions for the expression of opinion which might be valuable, and which might not otherwise be known. He should support the resolutions. He further observed, it must be obvious to every one that the circumstances of England, after the long and protracted war which terminated in 1815, must have been such as to increase the navy list to an amount which rendered it quite too full for the exigencies of the country. No doubt, in the event of another war breaking out, means must be devised for calling out into active service a younger class of officers than those who, in the present condition of the navy, must of necessity be intrusted with command, and he conceived, that a time of peace was the most suitable period in which to devise some such arrangement. There was no one who had the least practical acquaintance with naval affairs, and at the same time any information respecting the business of Parliament, but must be ready to acknowledge that both in that and the other House, the cause of the navy was not always very efficiently supported, and therefore he was not prepared to say, that naval officers, having seats in Parliament, were not fully warranted in bringing matters connected with their profession frequently under consideration; but there was a difference between doing that, and wearying the House with repeated and useless discussions. Nevertheless, he should have no objection to support two of the resolutions then before the House, which he felt he could do without qualification; and even to the first resolution he should have no objection, if it were limited to the future constitution of the board.

Captain *Pechell* would support the resolutions of the gallant Commodore respecting the future construction of the board. There could be no second opinion as to the expediency of making a change in the administration of naval affairs; still there were cases which called much more for praise than for censure. When Lord de Grey, for instance, was at the head of the Board of Admiralty, nothing could be more satisfactory than the course which he pursued; he was at all times ready to receive naval officers, to attend to their representations, and to smooth, as far as was in his power, every difficulty which obstructed the full and efficient performance of their duty. In similar terms he was bound to speak of the manner in which the affairs of the admiralty were conducted during the time his late Majesty (then Duke of Clarence) filled the office of Lord High Admiral, his practical acquaintance with naval affairs, his uniform condescension, his ready reception of the officers, his cordial hospitality. [*A laugh.*] He begged to say, that the hospitality or the inhospitality of the First Lord of the Admiralty had a great deal to do with the matter, for friendly and social intercourse very much tended to a good understanding among all classes of men. He had more than one objection to the present constitution of the board—it was an irresponsible board—it was, moreover, a secondary board, and he would give an instance of the evil arising from that state of things. Some years ago, he urged upon the Board of Admiralty the necessity of sending a vessel of war for the purpose of protecting our fishermen on the coast of Sussex from the hostilities of the French fishermen. In the first instance, he went to the Admiralty, they referred him to the Secretary of State for the Home Department, he was then sent to the Foreign Secretary, and twelve months elapsed before his object was accomplished; in the meanwhile the fishermen missed both the mackerel and the herring season. As to the junior Lords of the Admiralty they did nothing but that which they were desired; they never presumed to differ from the First Lord, or even from the secretary. The late Sir Joseph Yorke declared, that when he ventured to differ from the First Lord, he found it necessary to turn his stern and make sail as fast as he could from the Admiralty. Amongst the arguments in favour of appointing a naval First Lord was this, that he could do all that a civilian could, and a great deal more besides. In addition to the evils arising from the present constitution of the board, there was much in the state of the navy which called for attention on the part of the responsible advisers of the Crown. He felt it his duty to protest against vessels of war being under-manned or inefficiently armed. In the course of the present and of preceding discussions much had been said of patronage, and it was observed that promotion in the navy was more frequently conferred for services on the hustings rather than for services on the quarter-deck; now, surely naval men were not more likely to be carried away by political predilections than men in civil life. The late board, were certainly, not open to the attack which had been thrown on them respecting the disposal of their patronage, and in the distribution of their rewards he thought them entitled to much praise, especially as regarded the officers engaged in the suppression of the slave-trade: still considerable changes were required in the administration of naval affairs in the half-pay department as well as in the department of active service. With reference to the petty officers, he thought that the preference ought to be given to those who were brought upto the practice of gunnery. He agreed with the gallant Commodore that the half-pay of the petty officers in the navy ought to be increased, and whether the right hon. Gentleman was of the same opinion or not, he believed that the time was not far distant when that class of officers would obtain increased pay, because there was great difficulty in getting men competent for the discharge of their duties, as the placards on the walls of the Admiralty and of the docks and public advertisements fully proved. The best way to make the school on board the Excellent effective was to retain those valuable men in the service, and they ought not to mind making sacrifices to do so. With respect to boys, he had upon every occasion endeavoured to impress upon the Government the necessity of increasing their numbers in the navy. He quite agreed with the right hon. Gentleman as to there being no need to compel parish apprentices to enter the service; the supply was already greater than the demand, for the coasts of Kent and Sussex alone could furnish a sufficient complement; at all events, if after three or four years' service they were allowed to enter as men, and not represented at the Admiralty as being supernumeraries, there would be no difficulty in keeping up a regular supply. As to Parliamentary patronage, after all his experience, he must say,that he had yet to learn where the dockyard patronage rested. From the time of Lord Castlereagh down to the present moment, he could find no clue to the disposal of the appointments of clerks in dockyards, except that the First Lord of the Admiralty took care of all appointments down to those in Greenwich Hospital. That being the case it would be most judicious to have a naval man at the head of the Board of Admiralty, and then there would be some prospect of our boatswains and carpenters, and pursers, and old midshipmen, and sons of lieutenants, and officers of marines, being placed in suitable situations in the dockyards, the victualling and store, and other departments, which arrangement, by saving the half-pay of the parties appointed, would be a proportionate saving to the country, while it would also have the effect of removing the impression that such appointments were made in return for Parliamentary or political services. The House had been told by the right hon. Baronet that nothing could be done to injure the navy while there were two naval officers to control the First Lord of the Admiralty, and keep him within his proper sphere. ["*No.*"] Yes, but the right hon. Baronet said it in more Parliamentary and correct phraseology. The right hon. Baronet said, that nothing injurious to the navy could occur, because there were two admirals at the board; nevertheless, he believed that they could not continue to hold their seats at that board, if the First Lord of the Admiralty chose to run counter to them.

Sir *R. Peel:* I sincerely hope that the House will pause before its adopts the resolutions of the gallant Commodore, because I think it would be a very bad precedent, if the House of Commons, at the instance of any professional man, however eminent he might be in his profession, should think it right to place any restriction upon the power of the Crown with respect to the selection of competent persons to occupy the seats at the Board of Admiralty. It would be extremely bad taste seriously to entertain such a proposition. But if the House should think fit to impose any such restriction, I hope they will do it in an intelligible and definite manner, and not by such a resolution as that which is now proposed, and which is—

"That it is the opinion of this House, that in the future construction of the Board of Admiralty, the advantage of having that Board completely composed of naval officers should be fully considered, as well as the expediency of having a naval officer at the Board of Ordnance."

I do not doubt the abstract proposition, that it is fit to consider this subject; but I think that the consideration of it ought to be left to the authority at the head of the navy and the army, and that no restriction of this kind should be imposed, implying as it clearly does that the whole Board of Admiralty ought to be constituted of naval men exclusively, and that we should exclude any civilian whatever from it. From that proposition of the gallant Officer I entirely dissent. The experience of long usage, and the practice of all Governments, have been certainly not to exclude altogether laymen or unprofessional men from the Board of Admiralty, and I think the construction of that board would have been defective if nonprofessional men had been altogether excluded from it. For observe what it is that the gallant Commodore means—namely, that the First Lord of the Admiralty should be a naval man; at all events, that is what we must infer to be his meaning from his speech, though it is not expressly stated in his resolution. But that is not all he means; but also that the board should be composed entirely of naval men, for his resolution applies to the junior members of the board as well as to the head of it. So, then, the gallant Commodore would have the whole Board of Admiralty so constructed as that it should consist of naval men only. Now, suppose I had brought forward a motion of this kind when the Earl of Minto was at the head of the Admiralty, what would have been said? Why, "If the House of Commons pass this resolution to change the whole constitution of the Board of Admiralty, the Earl of Minto must resign, because it will imply that it is the opinion of the House that in future the head of the board ought to be a naval man, and it would be improper and inconsistent to leave the administration of the navy even temporarily in the hands of a civilian after the adoption of such a resolution." It cannot be the intention, I am sure, of the gallant Officer to pass a censure either upon the Earl of Minto or upon my noble Friend, Lord Haddington. Indeed, the gallant Commodore has said that it was utterly impossible to select any man who, during the short period my noble Friend has been in office, could have given more satisfaction to naval men than his noble relation, Lord Haddington. Well, if my noble Friend has so conducted himself as to extract that not reluctant testimony from the gallant Officer, is it not somewhat inconsistent to propose a resoluti of this kind, which, if it were passed the House, would render it impossible him to continue the performance of t duties in the discharge of which h hitherto given so much satisfaction? would be the effect, because by the tion of the resolution the House would imply an opinion that a naval man ought to be at the head of the Admiralty; and though it does not go to the extent of a petition to the Crown to remove my noble Friend, would it not imply that he could not discharge the duties of his office satisfactorily, and that, therefore, he ought not to retain it? I know that this is not intended by the gallant Officer. Again, the only ground of complaint which the gallant Member for Brighton has against Lord Haddington is, that I did not appoint another noble Friend (Lord de Grey) to the office of First Lord of the Admiralty; for the gallant Member says that his knowledge of ship-building, his love of professional pursuits, and his courtesy and affability, gave universal satisfaction to the navy when he formerly held this high office: and all this is granted. Although it would be a most injurious precedent for interference with the prerogatives of the Crown to pass this resolution, yet far be it from me to say that naval officers ought to be excluded; nor does the appointment of non-professional men necessarily imply that naval officers are to be excluded. But I have shown you two instances of two gallant Officers of the navy having spoken of two non-professional First Lords of the Admiralty in terms of approbation; both gallant Officers admitting that it was utterly impossible that any two men could have given greater satisfaction, and therefore the appointment of those men must be satisfactory also. [Sir *C. Napier:* I said so far as non-professional men were concerned.] Yes, of non-professional men; but they have given satisfaction. Lord de Grey has established peculiar claims upon the gratitude of the gallant Member for Brighton because he protected the Brighton fishermen; and the gallant Officer admits another strong claim upon his gratitude in consequence of his having experienced the noble Lord's hospitality. But that is a virtue which can be practised by a civilian. When I heard the speech of the gallant Officer, I thought at first that the great argument in favour of professional appointments was, that professional men had opportunities of becoming acquainted with the merits of the various officers in actual service; but the gallant Member destroyed that argument by showing that the true way to become acquainted with the merits of naval men was to invite them to the dinner table. Without that kind of intercourse it does not seem possible, according to the gallant Officer, that the Lord of the Admiralty can find out the good qualities of a naval officer. Friendly intercourse is a very good thing to be established, not for the mere purpose of paying compliments to individuals, but to promote confidence and good feeling amongst those who serve under the first Lord of the Admiralty; but the non-professional man has the same opportunities of exercising those virtues as the professional man. Sir, this is not the first time in the history of first Lords of the Admiralty that they have experienced the interference of the House of Commons. The House of Commons worried Lord Keppel out of office. He was succeeded by Lord Howe, and a motion was made in the House of Lords, because Earl Howe omitted two officers from promotion, blaming him for it, which motion was followed by two resolutions in the House of Commons, which were negatived by a majority of only fifteen. In short, the naval men in the House of Commons worried Earl Howe out of office. [Sir *C. Napier:* He was worn out.] Yes, he was worn out by just such motions as this of the gallant officer. [Sir *C. Napier:* No, by age.] No, but by the motions which were brought forward, and which had their effect; for you must recollect that his age was not the cause of his retirement. You, your predecessors, worried Earl Howe out of office, for he was First Lord of the Admiralty in 1784, and on the 1st of June, 1794, he was not yet so worn out that he was not fit for action with the enemy, for he achieved a glorious victory. I must take the opportunity, before I conclude, of saying, that I do not see any public advantage of speculating upon the result of hypothetical engagements at sea, between the naval force of this country and that of France, a power with whom we are at peace. Why should we stir up ill-will by one officer asserting that the French would have beaten us, and another as confidently declaring that we should have defeated the French in an imaginary battle. I enter not into such speculations. The misunderstandings which existed between us have ceased to exist; and why should we go back to transactions which ought not now to be discussed? I would, therefore, avoid all such topics; it is quite unnecessary to entertain them. I have confidence in the gallant officers, and in the navy of my country, that they would be equal to any emergency and duty; but I do seriously deprecate such speculative discussions about probable results in imaginary actions, which of late we have too frequently heard. I hope the House will consent to no resolution of the kind proposed by the gallant Officer. At the same time, I lay down no rule for the exclusion of naval men. But understand that I will not purchase the abandonment of the motion by making any promise whatever. I will not, as a Minister of the Crown, make any promise as to what I will do in the matter; because, in fact, it must be reserved as the prerogative of the Crown, and I altogether protest against the House of Commons laying any restrictions upon the exercise of the royal prerogatives. If you begin thus with the navy you may next go on with the army; and I say that you who are the advocates of popular government should be the very last to attempt to impose any restriction whatever upon the exercise of the prerogative of the Crown with regard to any branch of the public service. I shall, therefore, move the previous question; but I hope the gallant Officer's own good sense will lead him to consider the relation in which he stands, and not he only but the whole of his profession and the House of Commons, in relation with the Crown, and that the House will permit the Crown to consider what steps should be taken with respect to the administration of a great branch of the public service.

Mr. *Charles Wood* trusted, that the situation which he had formerly held at the Admiralty would justify him in offering a few observations to the House, and they should be a very few; in fact, had it not been that his hon. and gallant Friend, who had brought forward the motion, had, in doing so, cast imputations on the character of his noble Friend, the Earl of Minto, formerly at the head of the Admiralty, he would not have troubled the House at all on the question. With regard to the general terms of the motion, he entirely concurred in all that had fallen from the right hon. Baronet, the Secretary for the Home Department, and from the right hon. Baronet who had just sat down. He perfectly agreed with them in opinion, that the present constitution of the Board of Admiralty was the one, on the whole, most calculated to be beneficial to the service. Like those right hon. Gentlemen, he had no wish to exclude naval officers from the situation of First Lord of the Admiralty, but he thought it wrong and inexpedient to attempt, by a resolution of that House, to fetter the discretion of the Crown. He also agreed with the right hon. Baronet that it was better not to go back to consider what might have been the result of a collision in the Mediterranean two years since. He thought some consideration was due to the opinion of his hon. and gallant Friends, although, he thought, that, perhaps, they would have acted more wisely had they abstained from giving that opinion. He felt assured, however, that the honour of the British navy could have been placed in no hands more safely than in theirs, and that in their hands the honour of the British flag would never have been tarnished. Perhaps it might be thought, that from the situation which he had held at the Admiralty, under the Earl of Minto, that he could not be an impartial witness. On the contrary, however, he contended that he had been in a situation to form an impartial judgment, for, from the moment he had accepted office, he had laid down a rule for his own conduct, to which he had rigidly adhered, and that was, never to interfere in any manner, or to offer any opinion, upon any question relating to the promotion of officers. He took no credit to himself on that account, as he considered he had only been doing his duty; but to that rule he had ever constantly adhered, therefore, with regard to all such questions, he was merely a looker-on, and he felt bound to declare, as an impartial witness, that if ever there was a First Lord of the Admiralty, who, in the promotion of naval officers, had looked solely to the merits and professional claims of the officers, who had taken infinite pains to acquire a knowledge of those claims, and who had been anxious only to do his duty to the claims of those officers, uninfluenced by personal considerations, that man was the Earl of Minto, and when his gallant Friend had alluded to an officer bearing the same name as his noble Friend, to an officer of the name of Eliot, he thought his gallant Friend must have been aware that that gentleman was no relative or connexion of the noble Earl's. The merits of that gentleman had been admitted on a former occasion, by the right hon. Baronet when discussing the naval estimates, and he could assure his gallant Friend, that if he adduced that Gentleman's promotion as an instance of the exercise of personal patronage on the part of his noble Friend, he did that noble Earl great injustice. That gentleman was totally unconnected with the noble Earl, and had distinguished claims on the country, and whatever might have been the appointment which he had received from the late board, or whatever might be the event of that favourable consideration of his services which he understood had been promised him by the present board, he owed it all solely to his distinguished services, and not to any personal or political connexion whatever. He thought he should be trespassing on the time of the House if he was to attempt to go over the points of the discussion, which had obtained a desultory character, and which could be productive of but little good. He confessed that he did not agree with what had been stated by many hon. Gentlemen on that side of the House, with respect to the naval service, for he believed that all those matters of detail were infinitely better left to the executive department. He would only remind his gallant Friend (Captain Berkeley) when he referred to the success of the noble Lord to whom his gallant Friend had alluded had withdrawn a motion of which he had given notice on his assurance that the subject would come under the consideration of the Board of Admiralty, although it was true that on a subsequent occasion a committee was appointed in consequence of that motion, and when that committee came to investigate the marine service, they found that the Board of Admiralty had left them but little to do.

Sir *T. Troubridge* was afraid the House would be tired of hearing naval speakers; but, considering the position which he held in the late Board of Admiralty, he trusted they would indulge him with only a few words. After the best consideration he could give the matter, he did not believe that the present system of constituting the Board of Admiralty could be changed for the better. He had always thought that the First Lord of the Admiralty was the Minister in the Cabinet who had the most responsibility upon his shoulders. Such a situation required talent and ability of the first order. But in saying so, he did not for a moment suppose that he was excluding officers of the navy from holding the situation. If he were to give an opinion as to who ought to fill the office of First Lord of the Admiralty, he would most unhesitatingly name Lord de Grey. From his high rank, and his high order of talent, and from the position he held in the estimation of the country, there was the best guarantee to the profession and the public, that the duties of that high station would be fairly and impartially performed. The next point referred to was the appointment of a naval officer to the Board of Ordnance. Upon that point he would speak, as that part of the duty had devolved upon him when he had the honour of a seat at the Board of Admiralty, and, from his experience, he could say that very great advantage had arisen from the correspondence between the two boards having been carried on through naval officers, which advantage would be lost had that correspondence to be carried on with a person unacquainted with the matters concerned. With respect to the officers of the dockyards, in his opinion their appointment, and all matters connected with them, ought to be left entirely to the Executive; if they went wrong, they might be brought to account for it in a legitimate way. The next point was with respect to the retirement of officers, and he had no hesitation in saying that he should be glad to see officers retiring, if there was a probability of increasing their allowance. But, at the same time, he thought it was not to be lost sight of, that many of the hon. Gentlemen who supported that motion came into that House pledged. He had had the honour of coming into that House, many years ago, pledged to unflinching economy. If there was any money to spare, he did not hesitate in giving his opinion that there was another class of the navy which deserved increased pay, and that was the petty officers. He should say, that the best mode of remedying the inconvenience attendant upon manning the navy, would be to increase the pay of the petty officers; and he should, therefore, rather give any surplus money for that purpose, than to the allowance of retiring officers. This was his opinion, and he gave it with perfect confidence to the House. Now, the next subject to which he would allude was the state of the Mediterranean fleet. He thought a great deal too much had been said on this subject, but he felt called upon to say a few words. The gallant Officer had said that from the men being ashore, and the inefficient state of the fleet, if the Egyptian fleet had come down upon them they would have been overpowered. He would say that when the ships came home, and he would mention the Asia, several Members went down to view her. They told him themselves that they were delighted with the regularity of the discipline, and more particularly the gunnery of that ship. He would also mention the Rodney, which was a brilliant sample of what a man of war ought to be. There was the Princess Charlotte, and he would mention the Thunderer. Well, here were four line-of-battle ships, all of which had the highest encomiums passed upon their discipline and gunnery; how then was it possible, with such ships, they could be captured by the Egyptian fleet? With respect to patronage, he was afraid he was on delicate ground, for it had been so in all admiralties and in all Governments, but he ventured to say, that with respect to private patronage he knew nothing of it, nor was he responsible for it; but when they came to the coronation, or general promotion, his friends, Admiral Adams and Admiral Parker, had a great deal of trouble in looking over the lists, in order to do justice to all parties, and they ought not to have been attacked in that House. No set of men could have taken more trouble or have shown more anxiety than those Gentlemen. Once more he begged to state that he thought the constitution of the Board of Admiralty could not be changed with advantage, and he thought that great responsibility was thrown on the Prime Minister of this country in choosing an officer for the head of the Admiralty.

Captain *Berkeley* rose to explain. He had never said, that the navy in the Mediterranean was in such a state as to be likely to be defeated. What he had stated was, that if they had been pressed by eight sail of the line, they would have been placed in great jeopardy. He begged also to state, there was not a number of men wandering on shore.

Captain *Pechell* rose to explain. The gallant Officer opposite had defended the appointment of Earl de Grey to the Admiralty on different grounds from those which he had alleged. What he had stated was, that he was fully entitled to the situation from his high station and knowledge of ship-building. He had also alluded to the hospitality of the Lord High Admiral. He could say nothing in that respect of the First Lord of the Admiralty, never having visited him in his life. But with respect to the Lord High Admiral, he would say that there were very few officers but who were acquainted with him, and he was therefore acquainted with the merits of the different officers.

Sir *H. Hardinge* wished, before the House divided on the resolution, to advert to an observation made by the hon. and gallant Commodore that evening, as well as when the naval estimates were before the House. The gallant Officer stated, that there was a great disparity between the proportion of general officers created in the army, and the number of admirals in the navy, on the occasion of the brevet. When that remark was made on a former evening, he had not noticed it, for he felt the union that existed between both services, and, for himself had always been most happy to lend his assistance to his brother officers of the naval service. But when the gallant Officer argued that evening that undue favour was shown to the army, he (Sir H. Hardinge) thought it only right to show that no such motives of partiality influenced the Government of the day in the appointment of colonels in the army to be general officers, or captains in the navy to be admirals. On reference to the respective amount of the services at the end of the war, or for thirty or forty years back, it would be seen that, owing to the much larger proportion of the army, there was a greater number of general officers than of admirals employed. In the year 1814 the number of general officers was 555, the army at that time including the regular and irregular forces, in various parts of the world, amounting to about 500,000 men. At the same time we had 500 men of war afloat, the largest force, he believed, ever known in our history, and the number of admirals was 233. The number of general officers was, as nearly as possible, double. He would now refer to some official documents, from which it appeared that at the brevet in 1830 the number of colonels raised to the rank of major-general was sixty-four, and the number of captains in the navy elevated to admirals was forty-four. At the brevet of 1837, forty-two colonels were appointed major-generals, and thirty-six captains in the navy admirals. Finally, by the brevet of 1841, the colonels in the army constituted major-generals amounted to sixty-one, and the naval captains appointed admirals forty or forty-one. The gallant Commodore said the appointments to the rank of major-general in 1841 were seventy-five in number, but this included the marines and the artillery services, while he (Sir H. Hardinge) was speaking strictly of the army. He would himself be very glad to see officers in the navy promoted, but what he wished to prove was, that considering the much larger size of the military force, no injustice whatever had been exercised in the appointments. There were at present ten or eleven admirals employed in active service, and between thirty and forty general officers. The number of 555 general officers had been diminished by 185 since 1814, while for 233 admirals then existing there were now 213; so that if any partiality at all had been shown—which, however, he did not say was the case—it was rather in favour of the navy than the army. Let the hon. and gallant Officer, too, look at the expense of the brevets. The expense of the army brevet in 1830 was 14,000*l.*, and of that in the navy 23,000*l.* In 1837 the army brevet produced an expense of 11,375*l.*, and the navy brevet 30,596*l.* In 1841 the expense of the army brevet was 13,000*l.* or 14,000*l.*, and of the navy 26,000*l.* Such was the high admiration and respect he felt for the naval service, that if any partiality was shown, he would gladly see the preference given to the naval service; for, in the insular position of this country, the paramount importance of the navy ought to be felt by every one. And he felt confident that he was speaking the sentiments of the army when he said, that if any distinction or preference was made, it should be in favour of the officers of the navy.

Sir *C. Napier* said, he begged to assure the gallant Officer, that he did not complain of undue promotion, he only complained of the number of captains made admirals in proportion to the general officers in the army. He could assure the gallant General that he did not wish to institute any unfair comparison between the army and the navy. He could also assure the hon. Gentleman behind him that he did not intend to throw the slightest reflection upon the hon. Captain Grey. He hoped the hon. Gentleman, their relative, would allow him to say, that he had no intention to speak a word against them. The right hon. Baronet had said, that her Majesty delegated her power, and he was quite aware of that, but her Majesty could as well delegate her power to a Lord of the Admiralty as the Board of Admiralty, and if she did so, she would have a responsible man at the head of the navy. The right hon. Baronet (Sir J. Graham) had not correctly stated what he (Sir Charles Napier) stated with reference to the danger in which the British navy was in the Mediterranean. What he did say was, that if the French had come out before the British fleet in the Mediterranean was better manned nobody could say what would have been the result. It was not right to tell the British navy, manned as it was at present, that they were able to do so much as the right hon. Baronet (Sir J. Graham) had stated, in such complimentary terms, they were able to effect. Nothing was more dangerous than to inspire false confidence. He was once defeated himself in the West Indies, and he knew what it was, and what the result of a defeat would be again, if our ships were manned as they were then; it was impossible that the navy could be effective if it was regulated as it was at present. He defied the angel Gabriel if he was First Lord of the Admiralty, and if he was deprived of the patronage, to regulate the navy with advantage. As it was now regulated, every person who had no interest must wait until the queen was married, or until the queen had a son, before he was promoted, no matter what his length of service might be. The right hon. Baronet opposite had denied that the naval affairs of the country had been improperly administered; but he might adduce on this subject the opinions of Admirals Collingwood and Nelson. Lord Collingwood stated, that many of the young men who, by interest, obtained appointments in the navy, were unable to manage a ship, and knew nothing of their duty; and Lord Nelson said of the navy in his day, that success covered the faults and iniquities of the officers. The hon. and gallant Commodore was understood to say, that he would not press his first resolution, but that he would take the sense of the House with regard to the other two.

The first resolution negatived.

On the second resolution, a division took place on the previous question, namely, that the question be put:—Ayes 40; Noes 138:—Majority 98.

List of the AYES.

Aldam, W.
Barclay, D.
Barnard, E. G.
Berkeley, hon. Capt.
Bowring, Dr.
Brodie, W. B.
Browne, hon. W.
Carnegie, hon. Capt.
Cobden, R.
Colebrooke, Sir T. E.
Crawford, W. S.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Forster, M.
Harris, J. Q.
Humphery, Ald.
Ingestrie, Visct.
Johnstone, A.
Langston, J. H.
Martin, J.
Martin, T. B.
Morris, D.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
Plumridge, Capt.
Powell, C.
Pulsford, R.
Rawdon, Col.
Rous, hon. Capt.
Russell, Lord E.
Stanton, W. H.
Stuart, W. V.
Tancred, H. W.
Wakley, T.
Williams, W.
Worsley, Lord

TELLERS.

Napier, Sir C.
Pechell, Capt.

List of the NOES.

Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baird, W.
Baldwin, C. B.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barrington, Visct.
Bennett, J.
Bentinck, Lord G.
Beresford, Maj.
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Brotherton, J.
Buckley, E.
Buller, E.
Burroughes, H. N.
Busfeild, W.
Chetwode, Sir J.
Childers, J. W.
Chute, W. L. W.
Clive, hon. R. H.
Cockburn, rt.hn.Sir G.
Codrington, C. W.
Coote, Sir G. H.
Copeland, Ald.
Corry, right hon. H.
Cripps, W.
Crosse, T. B.
Dalmeny, Lord
Darby, G.
Dawnay, hon. W. H.
Dickinson, F H.
Douglas, Sir C. E.
Dowdeswell, W.
Duncombe, hon. A.
Duncombe, hon. O
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fitzroy, Capt.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn.W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt.hn. Sir H.
Hardy, J.
Hawes, B.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Houldsworth, T.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Kemble, H.
Knatchbull, rt. h. Sir E.
Knight, F. W.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, T.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
Martin, C. W.
Martyn, C. C.
Master, T. W. C.
Masterman. J.
Maunsell, T. P.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morrison, J.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, R.
Parker, J.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Rose, rt. hon. Sir G.
Round, C. G.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Vivian, J. E.
Wall, C. B.
Wilbraham, hn. R. B.
Winnington, Sir T. E.
Wodehouse, E.
Wood, C.
Wood, Col.
Wrightson, W. B.
Yorke, hon. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

On the third resolution being put,

Captain *Plumridge* said, that the third resolution was one of very great importance, inasmuch as it related to the petty officers and seamen being employed in our dockyards, and the latter as riggers; and he was of opinion that many hon. Members who might not vote for the two former resolutions would vote for this now before the House. It was not for him to divide the House on this resolution, but he hoped the gallant Commodore would do so, and he should have much satisfaction in following in his wake.

The House also divided for the previous question, on the third resolution:—Ayes 47; Noes 139:—Majority 92.

List of the AYES.

Aldam, W.
Barclay, D.
Beresford, Major
Berkeley, hon. Capt.
Bowring, Dr.
Brodie, W. B.
Browne, hon. W.
Busfeild, W.
Carnegie, hon. Capt.
Cobden, R.
Colebrooke, Sir T. E.
Crawford, W. S.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, Admiral
Forster, M.
Harris, J. Q.
Hayes, Sir E.
Humphery, Mr. Ald.
Ingestrie, Visct.
Johnstone, A.
Langston, J. H.
Manners, Lord J.

Martin, J.
Martin, T. B.
Morris, D.
Morrison, J.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
O'Brien, W. S.
Pechell, Capt.
Powell, C.
Pulsford, R.
Rashleigh, W.
Rawdon, Col.
Russell, Lord E.
Russell, J. D. W.
Stanton, W. H.
Stuart, W. V.
Tancred, H. W.
Wakley, T.
Williams, W.
Worsley, Lord

TELLERS.

Napier, Sir C.
Plumridge, Capt.

List of the NOES.

Acton, Col.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Attwood, M.
Bailey, J.
Bailey, J. jun.
Baird, W.
Baldwin, C. B.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Benett, J.
Bentinck, Lord G.
Bernard, Visct.
Blake, Sir V.
Boldero, H. G.
Borthwick, P.
Broadley, H.
Brotherton, J.
Buckley, E.
Buller, E.
Buller, Sir J. Y.
Burroughes, H. N.
Chetwode, Sir J.
Childers, J. W.
Chute, W. L. W.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, C. W.
Compton, H. C.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Cripps, W.
Crosse, T. B.
Dalmeny, Lord
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
Douglas, Sir C. E.
Dowdeswell, W.
Ebrington, Visct.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Fitzroy, Capt.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grogan, E.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawes, B.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, F. W.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Mackenzie, T.
Mahon, Visct.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Mitchell, T. A.
Mordaunt, Sir, J.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, R.
Parker, J.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Pusey, P.
Reade, W. M.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Ryder, hon. G. D.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Sutton, hon. H. M.
Taylor, J. A.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Vere, Sir C. B.
Waddington, H. S.
Wall, C. B.
Wilbraham, hn. R. B.
Winnington, Sir T. E.
Wodehouse, E.
Wood, C.
Wood, Col.
Wrightson, W. B.
Yorke, hn. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

DEATH OF JAMES FLANAGAN.] Mr. *W. S. O'Brien* rose, pursuant to notice, to move for,—

"Copy of the verdict and depositions taken by the coroner at an inquest held on the 19th day of December, 1841, on the death of James Flanagan, at Clonearl, in the King's County; copies of all communications which have taken place between the Irish government, or the inspector-general of constabulary, and the resident stipendiary magistrate, or the local inspector or sub-inspector of police, relative to the death of the said James Flanagan; and copy of the correspondence which has taken place between Durham Dunlop, Esq., and the Irish government, relative to the death of the said James Flanagan."

The particulars of this case were wrapped in mystery. So far as the facts had transpired, it appeared that a party of gentlemen and officers met at the house of a gentlemen named Magann, near Philipstown, King's County, and made an idiot boy, who rambled about, drunk, and having besmeared his clothes with turpentine, set fire to them to make him run for their amusement; but the result was, that the boy died from the injuries which he received. These circumstances had been published by the editor of the *Dublin Monitor*, and Mr. Dunlop, the editor of that paper, then wrote to the noble Lord the Irish Secretary, to ask if the Government intended to institute any investigation, to which the noble Lord replied that he did not consider that there appeared at present any ground for further investigation beyond that which had taken place before the coroner; but that if Mr. Dunlop could make out a case for inquiry, the Government would be ready to institute one. Mr. Dunlop contended that on the face of the proceedings there was abundant ground for inquiry, and he particularly pointed the noble Lord's attention to the circumstances that thirteen of the coroner's jury were immediate retainers of Mr. Magann, and had been summoned by his servants; that between the period of the occurrence and that of the inquest, one of Mr. Magann's servants had been removed, so as to be unable to give evidence, and had not since returned; and moreover, that the character of the evidence was inconsistent and unsatisfactory. The inquiry sought for was, however, still denied; and he would now ask the noble Lord to declare his own opinion, whether upon those coroner's notes any man could come to a satisfactory conclusion on the case? The public mind in Ireland would not be satisfied with so unsatisfactory an investigation of an occurrence in which the life of a fellow-citizen had been sacrificed. With regard to the individuals, too, against whom these serious charges had been made, it was cruel on the part of the Government to refuse the investigation. He did not wish to express any opinion upon the circumstances of the case; he confessed that at first he was inclined to say, that the story was incredible; and his only doubts arose from the mystery which had been thrown around the transaction, and the appearance of a desire to conceal something. In this country, by law, such an occurrence must have undergone at once a special investigation; and unless, in Ireland, such cases were investigated in a satisfactory manner, the poor of that country would think that justice was not done to them. Whilst he was on that subject, he must say, that he was surprised at the course which had been recently adopted by the crown officers in Ireland with regard to the challenging of jurors, especially after what had been stated by the noble Lord in that House; for at the very time when the noble Lord was in that House renouncing the principle of challenging jurors on the ground of their religion, a great number of Roman Catholics had been challenged, apparently for no other cause than that they were Roman Catholics. The refusal of the present inquiry must produce an impression in Ireland unfavourable to the Government; and facts had come to his knowledge subsequent to the inquest which, he thought, would satisfy the Government that there was a case for inquiry. He, therefore, still seriously, and without any view to party considerations, called upon the Government to grant a full inquiry, with the view of justifying the officers, if they were justifiable, and, at all events, with a view of satisfying the justice of the case.

Lord *Eliot* said, that he was happy to state that he did not feel himself obliged to oppose the motion of the hon. Gentleman. Upon that motion he felt it his duty to offer some observations to the House. He thought, that the hon. Gentleman would have exercised a sound discretion if he had ascertained whether the Government intended to resist his motion for the production of papers, before he had made the statement he had just delivered. But the hon. Gentleman had believed, that the administration of justice in Ireland offered a fair mark for his blows. The first remark referred to the paragraph in the *Dublin Monitor*. Now, if the hon. Gentleman thought, that it was his (Lord Eliot's) duty to read all the papers that were published in Ireland, he confessed that he was not able to perform it. He had not known until two days after its publication, of the paragraph which he had read. [The noble Lord read the paragraph, which is to the effect, that a party of gentlemen and officers at a gentleman's house in King's County had given opium to their host, and had subsequently used certain violence towards a poor idiot, who, before he left the room, was burnt, and had subsequently died.] On reading it he, like the hon. Gentleman, thought it incredible, but as it had been stated on the authority of a respectable journal, he had thought it his duty to have inquiries instituted. He had addressed a letter to the coroner directing him to forward to the Government his notes upon the inquest, and also to the stipendiary magistrate, giving him instructions to make every possible inquiry. Mr. Leigh Browne, the stipendiary magistrate, had not waited for these instructions, but made a report at once to the Government, "That on hearing of the report of the death of this idiot"—he was not really an idiot, but was a sort of village jester—"he immediately went to the place, and found the coroner holding the inquest, and at the time swearing in the jury." The jury consisted of twenty-one persons. The witnesses had been closely cross-examined by the coroner; and such had been his attention to their evidence, that he was charged with having put leading questions to them. The jury came to an unanimous verdict, that the death of the unfortunate man was attributable entirely to accident, The coroner had gone through an examination, which had been conducted by the Lord-lieutenant himself, and the principal law officers of the Crown, and they were perfectly satisfied, that the verdict of the jury was a proper one. The attack of the hon. Gentleman on the Irish government was therefore entirely unfounded. As to the statement of Mr. Dunlop, the editor of the *Monitor* newspaper, as he did not object to the production of the papers moved for, hon. Members could themselves see, and could themselves judge it. Mr. Dunlop had put the paragraph into the paper, and then had written to him calling upon the Government to institute a full investigation. To Mr. Dunlop he had written in answer, that the jury, consisting of twenty-one persons, had found an unanimous verdict, attributing the death of the poor man to accident, and that unless he could state some grounds for again opening the subject, the Government thought that they ought not to enter into it. Mr. Dunlop had declined to give any further information which would have justified any such investigation. He said that "he was in possession of information," but his letter amounted to a mere commentary upon the constitution and upon the conduct of the jury. He said, that thirteen of the jury were under the influence of Mr. Magann, the gentleman at whose house this unfortunate transaction had taken place. He did not know whether this was so, or whether it was not so, but he would, for the sake of argument, admit it. Then, if it were so, nine others, according to his own admission, without any such influence, had arrived at the conclusion, that the death had been the result of accident. He would say nothing as to the stipendiary magistrate, or as to the very proper conduct which he had pursued under the circumstances of the case. Mr. Dunlop's letter was a mere commentary upon the character of the jury, and upon the evidence which they gave. He (Mr. Dunlop) did not in that letter refer to the evidence of the surgeon, nor to the very important circumstance, that the unfortunate man had survived for six days. It was true, that he had been dancing and amusing the company, running about the room with a loose shirt about him, and also, that he was intoxicated. But the last gentleman who saw him alive said, that he saw him lying upon the floor intoxicated. It appeared, that subsequently a fire burst out, that the man was burnt, but it was most distinctly stated the flames had been put out by Mr. Magann. During those six days in which he survived, he had let drop no remark impugning the conduct of any of the parties present; and, before he had died he said, "If it had not been for Mr. Magann I should have been burnt to death—God bless him." Upon the whole, therefore, he was bound to come to the conclusion, that there was no evidence of foul play, or of an intention to screen any part of this transaction. But there was one circumstance which he thought not unimportant. Mr. Magann, whose conduct had been principally impugned, had thought fit to take the only course open to him—to institute an action for damages against the proprietor and editor of the paper which had published the statement. The action he had instituted was not by criminal information; but it was an action for damages on the ground of libel, and the opposing party would be called upon to plead the truth as a justification. Considering that the jury had decided, that the fatal termination of the unhappy business was accidental death, and that the gentleman principally concerned had instituted an action which would lead to a further and fuller inquiry, he thought that the Government had no grounds, and would not be justified in directing any additional investigation. He hoped, that as the motion for the papers was not opposed, he had now said enough. He always wished for every investigation into cases of this nature, and, therefore, he had not opposed the motion. But he thought, that he had said enough to induce the House to suspend its judgment, if not to persuade them to think, that the Government had acted upon no such principle as that with which they had been charged—of having one law for the rich and another for the poor. There was no ground for the imputations which the hon. Gentleman had thrown out. He had made simply a motion for the production of papers, but in his speech he had directed the attention of the House to a variety of topics, having no possible connection with that motion. He had alluded to certain trials during the last assizes; but first he had referred to the dismissal of certain stipendiary magistrates by the present Government. On this subject he could inform the House, that there were precisely the same number of stipendiary magistrates now as there were at this time last year. Those which had been reduced had been appointed by the late Government in 1841. They had been led to believe, that during the preceding years the country was in a state of great tranquillity, and they only reduced the number to that amount to which it had been reduced in those years, and which was thought necessary for the due preservation of peace. With regard to the trials, not having been upon the spot, and having had no notice of the present motion, he confessed, that he was not in a condition to meet the statements of the hon. Gentleman. In this respect, he thought, that the hon. Gentleman had not acted fairly towards him, in introducing these topics; but if he would bring them forward, he would promise to give him the best information. He did not know whether he had satisfied the House as to the conduct of the Government, but he hoped that, at any rate, he had said enough to induce the House to suspend its judgment on the subject.

Mr. *C. Powell* did not charge these young Gentlemen with premeditated cruelty; but he was of opinion, that to act as the Government had done, certainly was not the way that a Government ought to act which wished to show the population that protection should be given them, and that their arms were stretched out to defend them against the rich. He hoped the noble Lord would not only give the papers, but have the matter fully investigated; and he was quite certain, that when the noble Lord perused all the papers relative to the matter, he would not come to the same conclusion that the coroner's jury had done.

Mr. *V. Stuart* observed, that the coroner's inquest was by far the most constitutional mode of inquiry, for a person appointed by the Government might be biassed by them; and unless there were very strong grounds indeed shewn for saying that the jury had not done their duty, the verdict ought not to be upset.

Mr. *Wakley* said, that if the coroner's jury had not done their duty, the friends or relatives of this unfortunate man might prefer an indictment, notwithstanding the verdict. If the coroner was aware, that thirteen of the jury were tenants of Mr. Magann, it was quite unjustifiable in him to allow them to remain on it. With respect to the conduct of the Irish executive, he was bound to state, that there was nothing on the face of the inquisition or the depositions calculated to show, that the Government ought to go into a further investigation.

Question agreed to.

THE RURAL POLICE.] Mr. *T. Duncombe*, on rising to move, pursuant to notice,

> "For copies of all letters and communications that have passed between the Secretary of State for the Home Department and the chief constable or any magistrate of the county of Norfolk or city of Norwich, from October last to the present time, relative to the conduct of the rural police of that county in the apprehension of a man of the name of Smith, on a charge of vagrancy,"

said, that he should state, as concisely as possible, the circumstances which gave rise to his motion, and the complaints he had to make, and he thought, that when the House had heard these they would agree with him, that conduct more cruel, more illegal, or more unconstitutional, could not be well imagined, and that if it were to be allowed, the liberty of the subject, which in this country we were in the habit of boasting of, might certainly exist in name, but not in reality, in those countries where the rural police was established. The unfortunate individual in question, without shoes or stockings, and, indeed, without a shirt on his back, was found wandering through the streets of Norwich with two pair of handcuffs on, and he was thereupon, naturally enough, taken before a magistrate by the police of the city, in order to account for his handcuffs. His account of himself was, that on the preceding day he had been taken up by one of the rural police as he was going along the road to a farmer's house, where he expected to sell some books or tracts which he had with him. The rural policeman asked him what he had to do with tracts, and also asked where his hawker's license was? He answered, "I have none." It was not very likely that a man should have a hawker's license who had no shoes to his feet, or a shirt to his back. On this the policeman immediately put the handcuffs upon him, and took him to a farmer's house, where he chained him by the wrists to the manger in the stable. It seemed that the policeman had a warrant to execute at Yarmouth, and having thus fastened the man in this way to the manger—which he believed was much more illegal than the act of selling tracts without a license—he went to the constable's wife (as he said), but who turned out to be the wife of a person who had formerly been constable, and told her to go to such a place, where she would find a man chained to the manger in the stable, and to feed him at two o'clock, for that he could not stay then, having to go to Yarmouth, whence he should not be back till night. Some time afterwards the farmer, as it was said, had gone into the stable and wrenched the ring to which the man was chained, and let him go. It appeared, that this was not done by the farmer, but by some other person; but, whoever it was, he would say that he would be justified in doing it. For if men are illegally chained and illegally detained in a private stable at the caprice of an individual, any man or any body of men would be justified in coming to their rescue, even if pulling down the stable was the consequence. The man was afterwards carried before Captain Money, a magistrate of the city of Norwich, who, on hearing the circumstances, reported them to Colonel Okes, the chief constable of the Norfolk rural police. The policeman next came and claimed his victim. He was carried before another magistrate. He was asked, "Were you selling tracts without a license?" "I was," said he. The magistrate then, on his own confession, sentenced him to a month's imprisonment. He admitted, that such selling was an act of vagrancy, and that the magistrate could not help doing as he did. The man, however, was committed for a month; but Captain Money, thinking that some inquiry into the policeman's conduct ought to take place, made a representation to Colonel Okes. Now, he did not mean to say anything against Colonel Okes, who was, as far as he had had an opportunity of knowing him, a benevolent and estimable individual; and during the time he was in the army, he was a most distinguished officer. Therefore, if Colonel Okes had committed any errors in this case, they were errors rather on the right side. It appeared, that his reason for not wishing to investigate the case was, that he had had some difference of opinion with another magistrate with reference to the propriety of appointing this very man, Smith (the superintendent) in the first instance. What did Colonel Okes do? Why, he referred the case in question to that very magistrate, the rev. Mr. Borton, of Blofield. Now Norfolk, it appeared, had the advantage of possessing a great abundance of what are called clerical justices. By a return presented during the last Session of Parliament, or the previous one, it appeared that there were no fewer than 102 of these clerical justices in the county of Norfolk. Well, Colonel Okes had a delicacy about investigating the conduct of this superintendent Smith, (whose name by coincidence was the same as that of the vagrant whom he had apprehended), because he had objected to his appointment when he was first proposed for the command of the rural police of the district. But the rev. Mr. Borton, of Blofield, it appeared, had a predilection for the man Smith, who was his *protegé*. He had, in fact, almost insisted upon Colonel Okes appointing Smith to the police, and Colonel Okes having yielded, the man was appointed. Now, he would not venture to say what had passed in Colonel Okes's mind; but he really should think, that Colonel Okes must almost have felt, when the facts came before him, that the treatment of the individual, who had been manacled and chained to a manger, had been most cruel and illegal, occurring as it did before there had been any investigation into the merits of the case, and before the man had been taken before the magistrate for examination on the charge made against him. Colonel Okes then hands the man over to Smith's patron, the rev. Mr. Borton, of Blofield." The rev. Mr. Borton investigated the case, and in a letter sent by him to Captain Money, through Colonel Okes, he says:—

> "I met Mr. Francis as he passed down the street of Norwich, and I asked him to give his assistance in investigating the case."

And to what conclusion did the rector of Blofield, come? To what conclusion did the House suppose he came to, with respect to the case, the circumstances of which he had described? Why, he sanctioned the policeman's conduct—the conduct of the man who had committed an act which the right hon. Baronet, the Home Secretary, or any man at all acquainted with the law must at once know and admit to be illegal—the conduct of the man who had taken upon himself to handcuff a man, and chain him to a manger before there had been any investigation before a magistrate. But hear the rev. Mr. Borton's own words.

> "On the whole it appears to me, and so it did to Mr. Francis, that there is no ground of complaint whatever against the superintendent."

He should be very anxious to hear what the right hon. Baronet, the Secretary of State for the Home Department would say on the subject, whether he, too, would think that there was no blame attributable to the man who had acted in this manner. But what happened after this? It appeared, that another magistrate for the city of Norwich, (Mr. Palmer) a barrister, heard of the case, and to his surprise, found that the rev. Mr. Borton was not on the police committee of the county. If Colonel Okes, from the motives before stated, did not like to investigate this particular case himself, then it ought to have gone before the police committee of the county, and not to the rev. Mr. Borton, who had nothing whatever to do with it. Upon this, Mr. Palmer wrote to the rev. Mr. Wilson, another of these clerical magistrates, to this effect:—

> "I wish you would look into this case, as you are at the head of the police committee of the county."

To this letter Mr. Wilson replied, that the complaint should be laid before the committee on the first day of meeting, but could not say when that would be. The affair then went on to the month of July, at which time occurred the summer assizes for the city of Norwich. Mr. Palmer, being a barrister, was counsel there for two other men, and in the evidence adduced on their trial, some evidence of an important nature was elicited. The man Smith was examined, and to what was then elicited, he begged to call the particular attention of the House, as showing what a dangerous power was possessed by these rural police. The policeman was examined as to conversations he had held with prisoners after their apprehension, and previous to their examination. He maintained, that any conversation that might be held between a policeman and a man handcuffed and chained, as it appears they were accustomed to be, ought not to be admitted as evidence in a court of justice. Mr. Palmer, however, in a letter which he wrote to the right hon. Home Secretary on the subject, said,—

> "At the last Session, Smith was a witness in the cases of Dingle and another, and he stated, that it was the practice of the police to handcuff prisoners to mangers, and that on two or three occasions, they had left them so handcuffed for six or seven hours."

Therefore, the case he now complained of was not a solitary case. There was also another case of another policeman. A prisoner, named Tite, had been apprehended for a burglary, and it appeared, that the policeman handcuffed the man to his bedpost on the Saturday night, where he was obliged to keep him during the whole of Sunday; but on the Sunday night, it appeared, he took compassion upon him, so far as to allow him to get into the bed; but he then handcuffed him to his arm. This was the system pursued by the police of the county of Norfolk. Was this the system on which the rural police of the country was based? To continue his narrative of the facts, however, it appeared that Mr. Palmer, getting no satisfactory answer from the rural police committee of the county of Norfolk, wrote to the right hon. Baronet, the Secretary of State for the Home Department; and he here must observe, that he really thought Mr. Palmer deserved the thanks of the country at large for so doing. The right hon. Baronet, of course, acknowledged the receipt of his letter, and promised an investigation. He very properly fulfilled his promise by instituting an investigation. Not knowing, however, the whole of the circumstances of the case, as far as the magistrates on the spot were concerned, he referred the matter for investigation in such a manner that the chairman of the committee was no other person than the rev. Mr. Borton, the rector of Blofield, whom he had already mentioned as the patron of the policeman Smith. What report that committee made to the Home Secretary, he could not tell; but Mr. Palmer called upon him to state what his opinion of the case was. The right hon. Baronet's answer was, that he had made such a communication as he thought the case required, not saying whether he approved or disapproved of the conduct of the rural police of the county of Norfolk. He contended that that was not a proper answer for the right hon. Baronet the Home Secretary to give to Mr. Palmer, a magistrate, under such circumstances, when he had made a complaint upon public grounds, and one which did not rest upon the single instance of the superintendant Smith, but upon what was shown to be the general custom of the rural police of the county of Norfolk. He certainly thought, that the right hon. Baronet, under such circumstances, might have sent to Mr. Palmer a copy of the communications that had taken place upon the subject. Far, however, be it from him to assume that the right hon. Baronet approved the cruel conduct of these policemen; he felt, on the contrary, assured that when they did see the communications that had taken place they would find the right hon. Baronet recording his decided disapproval and censure of such proceedings as these on the part of the rural police—he was sure he should find the right hon. Baronet declaring that the rural police were a rural disgrace and a scandal to the county of Norfolk. He felt that he had already said sufficient to convince the House that the subject which he had now brought forward was one fit for inquiry, and that they ought, as the guardians of the public liberty—as the depositories of the subject's wrongs, and the protectors of his rights—to have the fullest information upon this case, and copies of the documents connected with it. He should, therefore conclude by moving for,—

> "Copies of all letters and communications that have passed between the Secretary of State for the Home Department, the chief constable, or any magistrate of the county of Norfolk or city of Norwich, from October last to the present time, relative to the conduct of the rural police of that county in the apprehension of a man of the name of Smith on a charge of vagrancy."

Sir *J. Graham* said, he did not know, whether any Member for the county of Norfolk would like to reply to the *ex parte* statement of the hon. Member for Finsbury; but his own acquaintance with the facts was very recent, and principally confined to the communication he had received from Mr. Palmer. That statement had appeared to him to present facts requiring investigation and explanation; and, in the discharge of his duty, he did call upon the magistrates for some explanation. That explanation he received, and having received it, he thought it his duty to express an opinion upon the facts of the case. It was quite true, that, not having had any further acquaintance with Mr. Palmer in the matter, than from his being a magistrate and having sent home the information, he did not feel called upon to make known to that gentleman the result of the investigation into the case, but, so far from hesitating to produce the documents required, he thought it necessary, in justice to the parties, that they should be produced. Incidentally, the hon. Member for Finsbury had thought fit to reflect generally upon the character of a large portion of the magistracy of the county of Norfolk, but he appeared to have no other complaint against them, than that they were what he had called "clerical justices." The hon. Member had also expressed his own views of the manner in which the peace was to be kept and the laws maintained, by recommending the wholesale pulling down of buildings in which prisoners might happen to be confined. He must, however, at the same time, admit, that the hon. Gentleman had done full justice to the character of Colonel Okes, than whom a more humane and excellent officer was not to be found in the profession. He had, by his administration, conciliated the good will of the great body of the inhabitants. He must also say, that neither the magistrates of the county of Norfolk, nor the Rural Police Committee had anything to apprehend from the production of the documents, and he felt, that he should best consult the feelings of the magistrates, and also of Colonel Okes, by producing those documents; and when they were on the Table, it would be for the House to decide whether the several parties had discharged their duty.

Mr. *Burroughes*, being a representative of the district, where these circumstances had occurred, had thought it his duty to write to the right hon. the Home Secretary, and to express the desire of the magistrates of the county of Norfolk to have these papers produced. Until those papers were on the Table, he would altogether abstain from the discussion, except to observe, that they would be found, if not entirely to contradict, at all events materially to alter the complexion of the *ex parte* statement of the hon. Member for Finsbury.

Returns ordered.

THE POOR-LAW—GILBERT UNIONS.] Captain *Pechell*, who had given notice of a motion for certain returns relative to unions incorporated under Gilbert's Act, said, he had a petition to present from the guardians of the poor in the city of Chichester, signed by twenty-two of their body, in favour of their local act, and deprecating any interference of the Poor-law Commissioners to abrogate the provisions of that statute. The petitioners stated, that they understood the Government were about to introduce in their New Poor-law Bill, provisions that would interfere with their jurisdiction. The hon.

and gallant Gentleman went on to say, that when on a former evening the subject to which this petition referred, was under discussion, from the silence of the right hon. Baronet, the Secretary of State for the Home Department, he was induced now to move for certain returns relative to the unions incorporated under Gilbert's Act, and also under local acts, because undoubtedly the right hon. Baronet, at the head of the Government, in his speech on the same evening, did imply, that the unions which still existed under the Gilbert Act would form a topic of discussion. The right hon. Baronet urged, that as those unions were only twelve in number, it was competent to the House to consider whether they should remain or not. The petitioners from the city of Chichester had already taken the alarm as to the intentions of Government, which he imagined were decidedly in favour of repealing the 22nd of George 3rd, relating to the management of the poor. For, no doubt, if the right hon. Baronet, at the head of the Government, had had any intelligence of a pleasing description to communicate as to the difference there was between the Poor-law Bill of this Session and the present law, he would have communicated that intention to the public before now, and in the absence of any such statement of the intention of the Government, he was entitled to assume that it was the determination of the Government to repeal those statutes under which the poor of so many parishes had been governed to the satisfaction of the rate-payers, as well as to those who received relief; and he held himself to be entitled to assume, from the same cause, that the right hon. Baronet meant to pursue the same course with regard to local acts generally. If the Gilbert Act was touched, the time would not be very far distant when the local acts would be touched also—they would attack the weak first, beginning with those unfortunate parishes that had not the weight in the House which the parishes governed under local acts had, But the right hon. Baronet, the Secretary for the Home Department, very needlessly the other evening had endeavoured to create some amusement by adverting to the management of the poor-rates in the town of Brighton. He had then endeavoured to explain, as far as the time would allow, some of the charges which the right hon. Baronet had made against the guardians of the poor in that town. He had been prevented, by the nature of the discussion, from doing that satisfactorily, and he would take the present opportunity to make a few remarks. In the first place, he entirely agreed with the right hon. Baronet, that the discussions on this subject should not be allowed to assume a party character, and the right hon. Baronet, in the charges he had made, had not directed his complaints particularly against either Tory or Liberal overseers. It happened, however, that the complaint of the right hon. Baronet applied to Tory overseers, and he was as willing to defend them, as if they had been of the contrary politics. In reply to his observations as to the manner in which the expenses of the management of the poor of Brighton, had been reduced during the last five years, the right hon. Baronet undertook to say, that certain expenses had occurred which would not have been tolerated by the Poor-law Commissioners; and he had instanced certain dinners and luncheons given at Brighton; and he said also, that a charge of 24*l.* had been made for a parish officer coming to London on the birth of the Princess Royal. The right hon. Baronet, the other evening, in answering the right hon. Gentleman, the Member for Northampton, had laid it down that hon. Members should be careful of their facts before making any statement. But the right hon. Baronet had not himself been very careful as regarded his charges with reference to the rose-water and eau de Cologne, and other expenses, which he said had been improperly paid by the overseers. Now, the accounts of 1837 were brought before the vestry, and a committee was appointed to investigate them; therefore, it appeared, that the Poor-law Commissioners were not wanted. The committee investigated the matter, the objectionable items were disallowed, and the Tory gormandizers were thrown upon their own resources. So that instead of what had fallen from the right hon. Baronet being any argument against the management of the parochial system of Brighton, it actually went the other way, and proved the excellence of the system of control. As soon as the abuses were detected, town meetings were held, and vestry meetings, and before there had been two meetings, the accounts were repudiated, and the abuses put an end to. Thus the local acts gave every power, and the Poor-law Commissioners were not required. Now, with regard to the Court dress, it appeared, that in 1840, an address was unanimously voted to her Majesty, not on the birth of the Princess Royal, as the right hon. Baronet had erroneously stated but on the occasion of her escape from the attempt of Oxford upon her life. That address was agreed to at a town meeting, and was expressive of the abhorrence of the meeting of that attempt. It was further ordered:—

> "That the high-constable do present the same, and charge his expenses in the accounts."

Those expenses were so charged, and the Court dress was one of the items. The accounts were laid before a meeting, pursuant to the act of George 3rd, and it was resolved, that they should be paid. After payment, they went before another vestry, and they were allowed. Thus they were twice considered and agreed to. But the vote of a vestry could not legalize that which was in itself illegal. The right hon. Baronet would concede that this expenditure, if it was an abuse, was at least not an abuse which the inhabitants were unable of themselves to correct if they pleased, and, further, that it was by no means an abuse of so gross a kind as was said to exist in different unions under the new law. It was not, for instance, such an abuse as the flogging at Hoo—it was not such an abuse as was said to exist at Eastbourne or at Sevenoaks; and he must say, that he thought it was going rather to an extreme to call the attention of the House to the matter in such a manner as to imply that, because one such abuse had occurred, therefore the affairs of all the Gilbert and local unions must, necessarily, be mismanaged. But to return to the subject of his motion. The papers he asked for would show the number of the unions existing under the Gilbert Act and the different local acts. The right hon. Baronet had the other night repudiated the accuracy of the figures he had quoted. Now, they had been chiefly taken from a return moved for by the noble Lord the Member for Monmouthshire, which certainly gave an accurate account of the number of persons living in parishes comprised in unions regulated by local acts. He believed that in the twelve Gilbert unions there were 288 parishes, exclusive of five parishes forming unions of themselves. The exact population of all these unions he had not been able to obtain, but he believed that in the two unions which existed in the county of Sussex there were not less than 20,000 inhabitants. The right hon. Baronet should recollect that these 20,000 persons had petitioned for the continuance of the system through their guardians and Parliamentary representatives, and that there had also been a vast number of petitions deprecating interference with the Gilbert unions from Derby, York, and other counties. Let them then see in one short and comprehensive table what was the number of persons with whose existing arrangements an alteration of this satisfactory law would interfere. The right hon. Baronet had charged him with an artifice in mixing up the populations of the local and Gilbert unions, but he should rather say that that was an artifice which sought to conceal the fact that, exclusive of the Gilbert unions, there were no less than 2,500,000 persons not at present under the control of commissioners whose interests the projected alterations would also affect. But, still more than all this, he thought some cause should be shown for annihilating these unions, for condemning them by wholesale without inquiry. He thought the House and the nation ought to be informed why the unions were to be dissolved, and it was for this reason that he should feel it his duty to raise his voice on every possible occasion against the abrogation of the system. It was said that these unions were working on a bad principle, and the right hon. Baronet opposite had said that the number of those which remained was quite insignificant. Now, he would be glad to be informed how many of the Gilbert and local unions had been tricked, as it were, into amalgamation with the general system. He should like to ask how many bargains had been made, how many were promised retrenchment in their expenditure and protection, as it was called, by the commissioners? Some curious tales might doubtless be related on this subject. Let them take the case of some of the Sussex unions. Mr. Hawley, a gentleman for whom he had every respect, came down into Sussex on a sort of marooning expedition among the Gilbert unions, and had held long confabulations with the guardians, in the course of which he had persuaded several to dissolve, and place themselves, as they afterwards found to their cost, under the orders of the commissioners. Mr. Hawley, in his published report, had made a reference to these unions, in which he said that the result of them was to induce a pertinacious adherence to the mistaken principles on which they were founded—an adherence which baffled every attempt to bring about a change, and which induced mistaken comparisons among the inmates of other workhouses. But Mr. Stephens, another commissioner, in speaking of the Sussex Poor-law unions, had said, that there was no grumbling among the inmates, and that they went to their work in a morning as happy as birds. Where, then, let him ask, were the injurious comparisons? If the paupers in the Poor-law unions went to their work as happy as birds, what danger was to be apprehended from the contamination of neighbouring Gilbert unions? What injurious comparisons could there be if all were so happy, and if they warbled away every morning so musically and with so much internal satisfaction? But he could tell the House, that the comparison which was attended with so little bad effect on the one side, was by no means approved on the other. The inmates of the Gilbert unions, had tried the Poor-law diet, and they found the comparison anything but pleasant or advantageous. They had been sick of it in a fortnight, and were glad enough to be relieved from it. But the Poor-law Commissioners had not stickled at slight misrepresentations. They had endeavoured to make the public believe that the guardians of the Gilbert unions had not the power of sending able-bodied men to their workhouses. Now this was an endeavour to excite the public to a comparison invidious to the Gilbert unions. He said such conduct was mischievous, and he would add, that its evil results must lie, not with the Gilbert guardians, but with those parties who, in their anxiety to bring the whole country under their authority, had recourse to such improper manœuvres. But in order to show a cause for bringing these unions under the powers of the Commissioners, they ought distinctly to prove bad management. Now, where had bad management been shown? The right hon. Baronet had said that there was bad management in sending up the dresses from Brighton, but as he said before, that single act did not prove any bad management in the Gilbert unions generally. Then what inducement did they hold out to the guardians to renounce the duties they had undertaken? Did they hold out such management as that of the Eastbourne Union? He held in his hand an able pamphlet emanating from a Sussex gentleman, who had taken an active part against the Poor-law, and who was now a candidate for the representation of Brighton, in which the very improper conduct of the Eastbourne guardians was fully illustrated. There was one case mentioned of a man who had been set to the occupation of grinding bones, and upon whom that description of labour operated so injuriously that the author declared his belief that the man's health would have been ruined had he staid there any longer. Such narratives with respect to the Eastbourne Union certainly were not calculated to reconcile the people at the other end of the country to the system the right hon. Baronet was so anxious to extend. Surely it would not prove advantageous to persons placed in the Gilbert unions, and other unions governed under local acts, to be placed in the circumstances in which William Smith and his wife were described to have been placed. The poor man's health, it appeared, suffered severely from working in the bone-house, to the extent of even placing his life in jeopardy, and yet the governor of the workhouse threatened that if he did not work in the bone-house, he should be strictly watched and closely followed up. Mr. Brooker, in his pamphlet, did not hesitate to charge the guardians with being accessory to moral murder, and added, that if brought to the test, he would impeach them on that ground. It would, he repeated, be no benefit to the inmates of Gilbert unions and others governed by local acts, to be placed under the control of those who rendered themselves liable to the charge of being accessory to moral murder. The statement was made by Mr. Brooker, who was ready to forward his pamphlet to any gentleman who desired it, and if the charge was unfounded, let it be contradicted. He disliked entering into minute details, but when these unions were told that they must give up their system of government for the purpose of uniformity, it was necessary to show the mischief which would follow. The right hon. Baronet, the Member for Tamworth, had observed the other night on the absence from that (the Opposition) side of the House of those Members of the late Ministry who advocated the New Poor-law when the question was under consideration. The right hon. Member for Kent was not in the House at the time, though he was happy to see him there now. That right hon. Gentleman had on a former occasion expressed his hope that the right hon. Baronet at the head of the Government would not, when the question of the Poor-law came on for revision, think of giving additional power to the Poor-law Commission; but, on the contrary, rather retrench that power, and confer upon the guardians a discretionary power of affording out-door relief. To this, however, the right hon. Member for Tamworth was decidedly opposed, so also was the noble Lord, the Member for Stroud, as well as the noble Viscount, the Member for Sunderland. As the right hon. Gentleman, the Member for Kent, had voted for the postponement of the clause relative to the Assistant-commissioners, it was to be hoped that he would render his assistance now in endeavouring to ameliorate the system by affording out-door relief to able-bodied men, and granting beer to those who were shut up in the workhouses. He hoped there would be no objection to granting the returns for which he had moved, as they were necessary to render the question clear and intelligible. When the subject came before the House again, he presumed they would be told of the necessity which existed for uniformity in the system. There were, however, 137 unions, in which it was not unusual to grant out-door relief to able-bodied paupers. Of these unions he found that there were several in Sunderland. Was it not a farce, then, to talk of uniformity? A system of uniformity never had been acted upon, and never could be acted upon, and it was, therefore, not right to say, that the existence of the Gilbert and other unions under local acts stood in the way of uniformity. He would advise the right hon. Baronet to let those who petitioned to remain under the government of their own local acts alone. If he interfered with the unions thus governed, he would by no means find himself on a bed of roses. The right hon. Baronet should remember that many of those around him, by whose votes he was supported, had pledged themselves to their constituents on the hustings to try and relax the stringent provisions of the law, and he was bound to say that, with one or two exceptions, these pledges had been redeemed. He did not mean to say that downright pledges had been given, but they had expressed themselves hostile to those severe provisions of the law which separate man and wife, as well as to others almost equally stringent. To him it appeared that very forcible reasons should be adduced, and a good cause made out, before any interference was had with those unions governed under local acts which were now well satisfied with their own systems. The hon. and gallant Gentleman concluded by moving for returns of each parish and township in England and Wales in which the poor were managed under the provisions of the act 22nd George 3rd, c. 83, commonly called Gilbert's Act, distinguishing whether incorporated in any union or governed separately, and stating the population of each parish and township, and of each union respectively, according to the last census. Also returns of each parish and township subject to the provisions of any local act for the management of the poor, with the amount of population according to the last census.

Sir *J. Graham* said, that there was no objection to granting the returns, but for the purpose of vindicating their accuracy the returns of 1831 should be added to them.

Mr. *Darby* said, he had seen the pamphlet referred to by the hon. Member for Brighton, and a more gross libel was never published.

Captain *Pechell* considered the writer of the pamphlet to be a highly respectable gentleman, and read it as a document furnished by that person, and not a matter coming within his own knowledge. He would not have used the pamphlet had it not been accompanied by the letter.

Mr. *Darby* said, that before using such a document, the hon. Member for Brighton should have made some inquiries into its truth.

Motion agreed to.

West Indies—Africa—Emigration.] Lord *Stanley*, in rising to propose the committees of which he had given notice, said that, at that hour, he should be unwilling to trespass at any unusual length upon the indulgence of the House, were it not that the situation which he had the honour to hold in her Majesty's Government, coupled with the fact of his proposing two committees, rendered it necessary that he should say a few words with reference to the object which he had in view. He would, however, comprise the double object in one address, and in doing so, he would endeavour to be as brief as the important nature of the subject to which he was about to call the attention of the House would permit. Though he would have to advert to several official documents which, as connected with the subject, were of very great importance, he could not hope to add any additional attractions by touching upon topics of a local nature in partaking of the excitement of controversial interest. He would compress what he had to say into as short a space as was consistent with the consideration of a subject so highly important to the interests of the empire. Considering how deeply he was interested in the subject, and what anxiety he must have felt when returning to the same situation which he held nine years ago, as to the result of the great experiment in which he took so active a part, the House, he was sure, would grant him some little indulgence. As regarded that result, he was happy to be able to state, that the emancipation of the negro population of the West Indies had, in the benefits which were derived from it, exceeded the most sanguine expectations of the most ardent advocates of the measure. In every one of the islands the physical condition and prosperity of the labouring classes had reached to an extent far greater than had been anticipated; and, what was still more gratifying, the improvement in their physical condition was accompanied by a corresponding improvement in their social and moral habits. Religious instruction had produced its anticipated effects, inducing greater purity in domestic life, and creating a stronger desire for education. This he considered to be a result infinitely more important than any improvement in their physical condition. To show that he did not exaggerate the vast improvement which had taken place in the habits and conditions of the West-Indian labourers, he would read to the House an extract from an official document which he had a short time since addressed to a foreign power, in answer to a statement in which the great experiment of emancipation was alluded to as having proved a failure. The words were these:—

"It will be found, that the British emancipation took place without the occurrence of a single instance of tumult or disturbance; that the joy of the negroes on the 1st of August, 1838, was orderly, sober, and religious; that since emancipation, the negroes have been thriving and contented; that they have varied their manner of living, and multiplied their comforts and enjoyments; that their offences against the laws have become more and more light and unfrequent; that their morals have improved; that marriage has become more and more substituted for concubinage; that they are eager for education, rapidly advancing in knowledge, and powerfully influenced by the ministers of religion. Such are amongst the results of emancipation which are plain and indisputable, and these results constitute in the estimation of her Majesty's Government and the people of England the complete success of the British emancipation in so far as relates to the primary and paramount objects of that act."

He would not weary the House with reading many extracts, but he considered that he could more easily bring the subject under the consideration of the House, by adverting to the statements of persons in authority in the islands, than by addressing to it any loose observations of his own. Although there could be no doubt that the several islands varied in the degree of prosperity, which each had acquired by the measure of emancipation, as, for example, the prosperity must be different where the population was thin, and the soil new from that of those islands where the population was more dense, and the soil in longer cultivation, still the advantages were felt more or less in every part of the colony. From this general statement he excluded the Mauritius, confining himself altogether to the West Indies, and principally to Jamaica and Demerara. Of the improvement which had taken place, an extract from Sir C. Metcalfe's despatch of the 30th of March, 1840, spoke as follows:—

"The thriving condition of the peasantry is very striking and gratifying. I do not suppose that any peasantry in the world have so many comforts, or so much independence and enjoyment. Their behaviour is peaceable, and in some respects admirable. They are fond of attending divine service, and are to be seen on the Lord's day thronging to their respective churches and chapels, dressed in good clothes, and many of them riding on horseback. They send their children to school, and pay for their schooling. They subscribe for the erection of churches and chapels; and in the Baptist communities they not only provide the whole of the religious establishment, but by the amount of their contributions afford to their ministers a very respectable support. Marriage is general among the people; their morals are, I understand, much improved, and their sobriety is remarkable. I am very happy to add, that in most respects, they appear to deserve their good fortune: they are, I understand, generally orderly, sober, free from crime, much improved in their moral habits, constant in the attendance at public worship, solicitous for the education of their children, and willing to pay the requisite expense."

The last report from Sir C. Metcalfe was dated November 1, 1841, a despatch which he had received with great regret because it contained the resignation of that Government which that officer had so ably and zealously filled, and with the greater pain because that resignation was unavoidable in consequence of impaired health. This was the last testimony he bore to the character of the negro population of Jamaica:—

> "With respect to the labouring population, formerly slaves, but now perfectly free, and more independent than the same class in other free countries, I venture to say, that in no country in the world can the labouring population be more abundantly provided with the necessaries and comforts of life, more at their ease, or more secure from oppression than in Jamaica."

There was another report, from a stipendiary magistrate, dated the 30th of June, 1841:—

> "It would appear wonderful to those whose knowledge of the physical power of the negro is only confined to his unremunerated specimens of labour during slavery and apprenticeship, how so much could have been accomplished on the small lot of land in building, planting, digging ponds, and making fences, as has been done without entailing an entire cessation of labour on the plantations of the larger proprietors. Certainly this has not been the result, and why? I humbly submit for consideration the reason: it is because his emancipation from bondage, his new hopes, his new desires, his new responsibilities, in short, his newly-born ambition stimulates him to exertions, of which those who formerly knew the 'Negro character' believed him incapable. His bodily powers, by the application of a money power, are multiplied beyond calculation. He can now labour on his own plantation, and spare time to labour on the plantation of others."

To this was attached a most singular document, which showed the number in one parish, not of those who had landed possessions, but of those who had entered their names as owners of possessions liable to taxation, and stating their willingness as free men to bear their proportion of the public burdens:—

> "I annex an official memorandum of the increase of tax-payers from 1836, to March 1841. Imperfect as the return is to show the actual number having landed possessions, it is valuable to prove the numbers who have willingly pointed out their possessions for taxation, and who are ready to bear their proportion of the public burdens and public duties:—Number of tax-payers in the parish of Manchester in the year 1836, 387; 1837, 393; 1838, 438; in the year (no taxes), 1839, not given in; 1840, 1,321; 1841, 1,866."

The number of freeholders becoming so by the accumulations of their own industry, assessed in Jamaica, as given by Sir C. Metcalfe, were, 1838, 2,014; 1840, 7,848. He felt confident he was not wearying the House even at that late hour while stating facts so important and gratifying as these. He knew that the House of Commons, by whose liberality, by whose generous sacrifice, these effects had been brought about—a sacrifice never before paralleled in any mercantile country, nor ever made to any extent for an object so purely disinterested and of more entire benevolence—he knew the House of Commons would not think he was unduly presuming on their attention, when he stated with regard to the negro population of Jamaica and the other colonies what had been the results of their great and generous sacrifice. There was only one other colony he would instance, and that was Demerara. Here was a statement, in the first place, of the wages at present earned by the able-bodied labourer in that colony—

> "The following may be taken as an average of the money value which the labourer enjoys upon the plantations in this colony, independent of absent days from sickness or indisposition to work—it appears pretty clear from a variety of information that the net amount of wages earned in a twelvemonth cannot be less than 23*l.*, to which add the free use of a house valued at 100*l.*, 10*l.*; the free use of provision grounds, 15*l.*; medicine and medical attendance, 3*l.*—51*l.* sterling. To which must likewise be added the advantage of churches and schools free of any parochial rates or other charges whatsoever. As regards the tenure upon which the labourers in general hold their houses, there are but a few solitary instances in which anything in the shape of rent has been charged; in these the agreement is, that if a labourer, not pleading sickness, which is always admissible, openly acknowledges absence from work without any excusable reason, and continues in the occupation of his house and grounds, then he is charged two bitts (or less than 9*d.*) per diem during such absence and occupancy."

There was another statement as to the resources of the colony. In a letter addressed by Governor Light to Mr. Ouseley, relative to the captured Africans being sent from Rio to Jamaica, he said,

> "The resources of this colony are so great if hands can be obtained for their development, that I ventured to express my earliest wishes to you, that you would use your influence in favour of this, the nearest and most fertile of her Majesty's colonial possessions, where wages are high, where an able-bodied

man may earn a dollar per day in seven or eight hours, where houses, provision grounds, and medical attendance are afforded in addition to wages, where schools, chapels, churches, and ministers of every denomination of Christians, are within reach of the mass, and where the mass are more strictly protected in their rights than perhaps in any country in the world."

What had been the consequence of this state of prosperity on the negro mind and negro habits? Had it led them, as some persons feared it would, into habits of vagrancy or idleness? Had it led them to abandon the pursuits of industry, and give up the cultivation of the soil? No such thing. He was sure he should be permitted to state one or two most satisfactory instances by which they might judge in general as to the motives which influenced the negro population. The following was an extract from a despatch, dated 18th November, 1839:—

"It may not be misplaced to mention here the enterprise of the lately emancipated class, six of whom have bought an abandoned sugar estate, named Northbrook, on the east coast, Demerara, for which they paid 30,000 guilders, upwards of 2,000*l.*, two-thirds of which were in hard dollars, the remainder by a note of hand at three weeks; they are about to replant it with sugar; it is a convincing evidence of confidence in the industry of their brethren, and speaks volumes against the determined idleness of the negro, which a party here would assert; it is also a proof that a preference is shown to the cultivated parts of the colony, rather than retreat to the distant parts, where the same money would have procured three times the number of acres from the Crown."

Again,—

"I had the honour of mentioning the purchase of Northbrook by certain labourers, and congratulated myself at the purchase, as a proof that here at least the blessings of emancipation had early shown themselves. I stated that I was proud to find myself upheld in my objections to the schemes of the philanthropists for locating the labourers independently. I am still prouder at being able to state to your Lordship much more important purchases by the labourers. Orange Nassau, a plantain and cotton estate, lying in the neighbourhood of Annandale and Lusignan estates, on the east coast, Demerara, has been bought by 140 or 150 of the labourers of those estates for 50,000 dollars, or nearly 11,000*l.* sterling. 20,000 dollars, or upwards of 4,000*l.*, have been offered by some labourers, the number I have not yet learnt, for Betterforwachtyn, on the same coast, the bargain not yet concluded from some doubts as to the validity of the title. The same difficulty has arisen in Berbice, where an offer of 20,000 dollars has been made by some labourers for an estate on the west coast. When it is considered that the greatest part of the money has been earned since emancipation, it may be concluded that the labourers have been fairly treated. The sums offered are in ready money, and at the market price of the estates. I have the honour to report that another estate, Plantation Friendship, has been purchased by certain labourers on the east coast, county Demerara, belonging to, or rather working on, Plantations Enterprise, Bladen Hall, Annandale, Lusignan, Enmore, for the sum of 80,000 dollars, or 16,000*l.* sterling, of which 35,000 dollars were paid down, 5,000 more to be paid in one month, the rest to be on mortgage until the whole number of shareholders should have paid their quota. 100 or 110 out of the 200 have already paid their amount of contribution, each 400 dollars, and one man, a head man of one of the estates, who appears, from keeping his horse and gig, to have been richer than any of the others, has contributed 2,000 dollars. Plantation Friendship was originally a cotton and plantation estate, was purchased not many years ago for 5,000*l.* or 6,000*l.* sterling; three years ago it was sold for 10,000*l.*; it now has been sold for 16,000*l.* sterling to emancipated slaves. There can be little doubt that the desire for independence will be succeeded by the desire for wealth, and the same spirit which has limited hitherto the labourers to the purchase of property whose productions are for local wants alone, will lead them to the purchase of estates on which the staple commodities for export are grown and cultivated.—I have, &c.,

"Henry Light."

"The Right Hon. Lord Stanley."

What he wished to impress upon the House was, that the result of emancipation undoubtedly had been, in the first instance, that very large, exorbitant wages were obtained by the negro labourers; but they were ambitious to labour for the purpose of earning those wages, and having earned, they were not disposed to squander them in indulgence; they were in fact thrifty and frugal, accumulating property, and honestly and industriously cultivating it. He could multiply instances of this description, but he would not run the risk of wearying the House. There was another point, however, the conduct of the labourers, on which he wished to say a few words. On the 1st of August, 1840, Governor Light wrote thus:—

"Although I did not think it necessary to make this anniversary a day of thanksgiving, yet I find that many of the churches and chapels in the colony are opened for that purpose. It is most satisfactory to report the orderly conduct of the working classes in this populous town on the eve of this day; and that although everywhere disposed to celebrate it with feasting and merriment, the remembrance of their past state is sunk in their present enjoyment of freedom."

There was a still later account:—

"It is very gratifying to be able to report the extraordinary change I have observed in the bearing and habits of the Creole population, since the 1st of August, 1838, in which month I visited Essequibo for the first time. In the following year I repeated my visit. At those periods there was hardly a house standing unconnected with the estates. Houses and stores are now numerous from the eastern to the western points of the coast. Land has either been leased or offered for sale and lease or sold, on eighteen properties, to merchants, mechanics, or labourers, in small lots varying from one-third of an acre to one-half. On these the labourer erects a comfortable cottage, the mechanic a more convenient house, the merchant a dwelling, uniting shop and abode. A short time antecedent to the death of the late Governor, Sir Carmichael Smyth, he gave the name of William's-town, in honour of his late Majesty, to an independent settlement projected by the proprietor of Plantation Aberdeen. On my first visit to Essequibo this was in its infancy, but, although the land was only leased for twenty-one years in lots of one-third of an acre, at very high prices, yet it has now become a respectable village, having six or seven shops or stores, neat residences, cottages, Episcopal chapel for 400 people, and a school; and, since the enactment of the rum ordinance, is not without its full share of liquor retail shops. Had the lots of land been freehold, William's-town would have been much larger than it now is, or is likely to become. A new settlement has been established three miles eastward towards the Essequibo, with better land, larger lots, and smaller prices for freehold than for leasehold at William's-town; it has been eagerly sought by the labourers."

These statements showed, he thought, this, that as far as the labourers were concerned in Jamaica and Demerara, and though varying in degree, they were a sample of the whole of our colonies, the experiment had been not only successful in placing them in a situation of great physical enjoyment beyond the anticipations of their boldest friends, but they also proved, that they had learned to turn to advantage their newly-acquired gift of freedom in accumulating property, the product of their industry, and cultivating habits worthy of freemen. If he wanted another proof of this, he had it ready to his hand in the amount of exports to the West Indies from this country, during the period of apprenticeship subsequent to complete emancipation. The average value of the exports from this country to the West-India colonies in the six years preceding emancipation was 2,783,000*l.* The average during the four years of the apprenticeship, 1835 to 1838, was 3,573,000*l.* The amount, during the first year of freedom, 1839, was 4,002,000*l.*, and during the second year of freedom, the amount was 3,492,734*l.* He would not trouble the House with further statements with respect to the number of schools and chapels which had been built. He hoped he had said enough to indicate to the House the social condition of the negroes, and if that were the only part of the subject to which he felt it necessary to call their attention, however gratifying the statement might be to him, from the part he had taken in this question, he certainly should not be entitled to call for a select committee to investigate the circumstances connected with the agricultural and rural population of the West Indies. But, notwithstanding this great prosperity and improvement, to which he was not insensible, having been the instrument to ask for that vote by which this great experiment had been put in progress, he could not shut his eyes to the fact, that although the paramount object of emancipation had been fully realized, in the condition and prosperity of the negro population, the West-India planters were now suffering from the very circumstances he had before alluded to, serious loss and injury, and it was with a view to ascertain the causes and the measures which should be resorted to for the mitigation of these evils, that he proposed a select committee. When he looked to the average quantity of sugar imported into the United Kingdom from the West Indies, he found, that during the six years preceding the apprenticeship it was 3,905,034 cwt.; that during the four years of apprenticeship, it fell to 3,486,225 cwt.; that during the first year of freedom, 1839, it fell to 2,824,106 cwt.; and that during the second year of freedom, 1840, it fell to 2,210,226 cwt. If the House would permit him to state this case fully and fairly, they would find, that the deficiency of the quantity had been made up by the increased value of the produce in the different intervals. For instance, the average value of sugar for the six years preceding the apprenticeship was 5,320,021*l.*; and that for the four years of the apprenticeship it was 6,217,801*l.* In the first year of freedom the amount was 5,530,000*l.*, and in the next year 5,424,000*l.*; and although in this year there would be a large reduction, still there would be a fair remuneration for what was lost by the diminution of produce. Consequently, the planters had not sustained any very serious diminution of their income from this cause, but they had suffered a very serious and ruinous expense in the cultivation of their estates from the want and scarcity of labour—from the abstraction of labour in consequence of the industrious application of the labourers to their own farms, and from their having become possessors of property instead of mere cultivators of the soil. The result of this was, that the planters were compelled to pay exorbitant and enormous wages, and from the information he had received, he believed, that in several of the colonies the rate of wages and the expenses of cultivation were so extravagant that unless some remedy could be provided it would be impossible for the owners to continue to cultivate many of the estates. He had some reports on the subject from Trinidad, where a committee of planters had collected evidence as to the result of the enormous expenses incurred in the cultivation of estates. Another committee had been appointed on the same subject in Demerara, and he must say, that from those reports it appeared impossible for cultivation to be carried on if they contained statements at all approximating to truth. He had a report of 62 sugar estates, from the 1st of January to the 31st of October, 1841, in which period the expenditure was \$1,091,000, while the return was \$217,000, making a gross loss upon the whole estates of \$874,000, and to December, the same committee stated the expense to be \$1,295,000, and the total revenue \$312,000, the loss being \$983,000. He did not, of course, pretend to vouch for the entire accuracy of these statements, but he could only say they were founded on the report of a committee which had investigated the subject very carefully, and had directed their inquiries into the estates of those parties who had hitherto carried on their plantations with success and prosperity. Governor Light, whose merits or defects, be they what they might, could not be complained of as being unduly interested in favour of the planters, had forwarded a statement, made, as he described, by a gentleman of moderate opinions, and well disposed to the Government, whose name he deemed proper to withhold, with respect to estates, described as 1, 2, 3, and 4. He said the expense was ruinous, and certainly if all estates were in the same predicament, the condition of the planters must be very critical. This was a statement with respect to four of the best estates in Demerara, and according to the statement of the gentleman whose name he did not know, but who was a gentleman of moderate opinions, the result on one estate was altogether an excess of revenue over the expenditure of \$5,891. On the other estates, there had been an actual loss; and the gross profit of the four estates, which formerly produced 1,100 or 1,200 hogsheads of sugar per annum, was \$5,060. These were the statements which had been made, and which were well deserving the attention of a committee. These were questions of vast importance, and deserved to be considered dispassionately, calmly, and deliberately, as he trusted they would be by any committee that sat to consider them. The planters were naturally anxious for the application of a remedy, and it appeared quite clear, that there were two, and two only, by which the cultivation of these estates could be profitably carried on. First, by the reduction of the expense of cultivation by means of a better mode of management. This subject he was naturally anxious that a committee should especially inquire into; and the other practicable remedy consisted in increasing the population by a large amount of immigration, and by the effect of competition decreasing the amount of wages. He would not enter into details with respect to the first of these remedies; but there were various points involved in it well worthy the consideration of a committee. For example, a committee might inquire whether it were not practicable to introduce a system more assimilated to our English plan, by placing the labourers more in the condition of tenants, giving them an interest joint and inseparable from the landlord, and making them share in the amount of produce. He knew the practical difficulties connected with the introduction of such a system; but he desired the matter to be investigated, and practical men to be examined respecting it. With regard to immigration, he believed that details had been laid before the House, so far as it had been carried into effect in the West-Indian colonies, in respect to the result on the persons who had been induced to immigrate. With respect to individuals of African descent, whether coming from the coast of Africa or the United States, he believed the result had been most satisfactory. There had been little disease among them; nothing of suffering, and very little of mortality: and with regard to all of African descent immigration had been carried on satisfactorily, and the persons were contented with their condition. He wished he could say the same with respect to the immigrants of European descent; but it was right for him to state publicly that, as far as he was able to judge, immigration of Europeans into the colonies of Jamaica or Demerara, and particularly those parts to which the immigrants resorted—namely, the low lands of the colonies,—was accompanied with suffering and fatal effects. In Jamaica, so sensible was the Legislature of distress and mortality produced among the immigrants, that much as they desired to obtain them, yet they passed a resolution discouraging on the part of the colonies any immigration at the expense of the colony from the British isles or any part of Europe. The immigration from the Portuguese islands into Demerara was also accompanied in the first instance by a great degree of suffering and mortality—a mortality not less than 7 or 10 per cent. on the number; and he thought it his duty to lay a statement of this fact and all information before the Portuguese government. But of late the mortality amongst them had been but very trifling, and the recent accounts were much more satisfactory. It was from the coast of Africa that the colonists would look for the largest supply of immigrants; but he should not be dealing fairly with the House if he did not state that there were very great objections in the way of an unlimited immigration of labourers from Africa. It was likely to lead to great abuse; to create a suspicion towards this country, and give room for jealousy amongst foreign powers; and though he believed that perfectly free emigration from Africa to the American colonies would place the immigrant in more favourable circumstances than in his own country, and if the stream were kept up and he were allowed to return to the coast of Africa, no step could, in his opinion, be taken more likely to conduce to the interests of humanity, or to extend civilization among the tribes upon the coast of Africa, yet that was a subject to be touched with the greatest care. For that purpose he must move for another committee, whose inquiries would be simultaneous with the inquiries into the state of agriculture in the West Indies. He wished for a committee to inquire into the state of our settlements on the western coast of Africa, especially with reference to their present relations with the neighbouring native tribes. Exclusive of Sierra Leone and Gambia, the House was aware that this country possessed along the Gold Coast a number of detached settlements. Those settlements were managed exclusively by a committee of merchants, who administered what was stated to be British law; though he was sorry to say that it was hardly to be called such, for there was neither judge, nor he believed any settled authority; it was rather rudely administered; but still it was said to be British law. Around all those settlements were native tribes, governed, or he ought rather to say, influenced by the merchants residing there; and it was of the greatest importance that they should well consider the precise relation, the real relation, in which we stood with regard to those suffering tribes. There was no doubt that by a means of arbitration we administered a certain part of our British law from those settlements; and under the law so administered sentences were passed, persons were imprisoned, and debts were recovered; and there was a system of law; except as to the legality of the manner in which they were administered. That might be, and possibly it was a necessary evil, but still it was an evil to leave those native tribes in doubt as to their precise relations to us, and also as to our own real power over them, that naturally tended to abuse; and there was no limit to encroachment, for the law placed none except that of discretion. If those settlements, each of which was about one square mile in extent, were made ports for emigration from the coast of Africa to the West Indies, one of two things would follow. Most of those native tribes were in a state of domestic slavery. He did not mean to say that all were so; but he should like to ascertain which of the tribes were free; for in the great majority domestic slavery prevailed. But one of two things would follow—either immigration would consist of runaway slaves, with whom, when once beyond our limits, we had no right whatever to interfere, or, on the other hand, the result would be, that under the name of a proposition to immigrate to the colonies for the purpose of furnishing free-labour to the colonists, those colonists would begin to enter into a traffic with the chiefs of the tribes for the immigration of their subjects for a sum of money; in other words, that they would buy the subjects of those chiefs for money, and there would be a strong suspicion that we were commencing a new slave-trade on the coast of Africa. He did not say that those were obstacles not to be surmounted, but if they could not surmount them, it was their bounden duty to prevent a new slave-trade; and if they could surmount them, let them distinctly declare to the world the mode with which they intended emigration from Africa to be conducted and the protection to be thrown around the natives. They might then be justified in getting in the West Indies that which they desired to obtain, namely, free emigration from certain ports on the coast of Africa. If they could do that, he did not hesitate to say, that such immigration upon the principles of entire freedom would not only be productive of benefit to the subjects of that immigration, but in the result would tend to the interests of civilization, humanity, and Christianity, throughout the African coast. He sincerely thanked the House for the attention with which they had listened to him on details which he knew must have been tedious, upon a subject which at least, however he might have brought it before the House, was deserving of their serious attention. He hoped that in the course of his observations to the House he had said nothing offensive to the feelings of persons on one side or the other. He had endeavoured to state the case as it appeared to him on a careful perusal of official documents and without exaggeration: and if the House were anxious to enter into any discussion upon the subject, he hoped they would observe an absence from all prejudice and party feeling, and that the two questions might meet in committee with a full, free, and deliberate consideration. The noble Lord concluded by moving for a

"Select committee to inquire into the state of the different West-India colonies, in reference to the existing relations between employers and labourers, the rate of wages, the supply of labour, the system and expense of cultivation, and the general state of their rural and agricultural economy."

Dr. *Bowring* said, the speech of the noble Lord gave him great satisfaction; but he could wish the east as well as the west coast of Africa to be included in the inquiry. This was a part well entitled to the consideration of the Government; and, considering that the blacks preponderated over the whites in the West-India colonies, he was anxious to have their interests properly protected. He trusted also, that the noble Lord would allow the committee to extend its inquiries into the failure of the late Niger expedition.

Mr. *V. Smith* expressed his gratification at the very able statement which had been made by the noble Lord, the Secretary for the Colonies, seeing that his name was identified with the working of that great experiment which had proved so successful. At the same time, he (Mr. V. Smith) could not help feeling the great difficulties which the committee would have to encounter in the course of their inquiry. The noble Lord proposed, through this committee, to inquire into the state of the different West India colonies, in reference to the existing relations between employers and labourers, the rate of wages, the supply of labour, the system and expense of cultivation, and the general state of their rural and agricultural economy. From the statement made by the noble Lord of the prosperity of the labouring population in these colonies, it appeared, that they were not only prosperous, but were making purchases for themselves. Now, the task which would devolve upon the committee was of a very delicate character, and they must take great care not to interrupt, by any suggestions they might make, that good feeling and harmony which now existed as between the labourers and the employers. And, indeed, the difficulty of this question was increased by the union of such various subjects for the consideration of a committee. He would suggest to the noble Lord whether it would not be advisable to give a power of conference between the two committees as to the introduction of free labourers. But the most interesting inquiry would be, whether they would be able to produce anything upon which the House could legislate or not, though no doubt the mass of evidence they would collect would be very valuable. Perhaps it would be right, that the noble Lord should mention the course of inquiry to be taken by the committees, particularly those on the west coast of Africa. He hoped the noble Lord would not consent to the suggestion of the hon. and learned Gentleman, that one committee should extend its inquiries into the causes of the failure of the Niger expedition. The House was probably aware, that a very valuable report on the state of the British settlements in Western Africa had lately been made by Dr. Madden, a gentleman whose name was associated with the abolition of slavery, and who had been sent out to inquire into the present condition of those territories. He was aware the report was of a very confidential nature, but perhaps he was not asking too much in suggesting that the noble Lord might lay such parts of it as he deemed advisable before the committee. He begged leave to thank the noble Lord for instituting this inquiry, which would have, he trusted, important results.

Mr. *Mangles* wished to know if the noble Lord would have any objection to insert the words "means of affording effectual protection, and of insuring the rights of free agency."

Lord *Stanley* thought the terms of his motion extensive enough to cover the points to which the hon. Gentleman wished to include.

Mr. *Wakley* expected to get no information from the committee relative to the western coast of Africa, as he thought they were already in possession of all the information that could be got. With respect to the second committee, for inquiry into the West Indies, he could not see the object which the noble Lord proposed to himself, and his speech threw no light upon it. The noble Lord's speech exhibited such a happy state of things among the negro population, that it was most undesirable any interference should take place. Yet it seemed there was to be a committee to inquire into the matters mentioned in the motion. He was apprehensive, that this interference was not one of favour to the emancipated labourers. Twenty millions had already been paid to the proprietors of the soil in the West Indies, as a compensation for their loss by the emancipation of the negroes. The noble Lord showed that the negroes themselves were undergoing the change and improvement which he had anticipated in his able address on the subject in 1833. But what could they expect from this movement? Many persons would be apprehensive that these labourers, in their improved condition would be completely swamped by the tide of emigration from Africa to the West-Indies. He was apprehensive that the free labourers would be reduced to a state of privation and distress, by the competition of the immigrants who would work for less wages. Analogous results had taken place in England, only from the change from the South to the North of England. He feared, that every obstacle would be thrown in the way of emigrants returning to Africa if they wished it. He was really apprehensive that in this matter a pressure had been put on the noble Lord by the planters; he hoped, however, he would rather look to the condition of the emancipated negroes, than to the interests of the planters who had already been paid twenty millions.

Mr. *Hutt* said, his hon. Friend had here, he thought, been led away by his popular feelings. He approved of the proposal of the noble Lord, and could state this, that the labourers in the West-Indian colonies were many of them considerable owners of land.—Motion agreed to.

Lord *Stanley* then moved for a "select committee to inquire into the state of the British possessions on the west coast of Africa, more especially with reference to their present relations with the neighbouring native tribes."—Motion agreed to.

ADJOURNMENT—CORN-LAW—INCOME-TAX.] Upon the Order of the Day for going into committee on the Corn importation Bill being read.

Sir *Robert Peel* said, Sir, I should fix the Corn Importation Bill for to-morrow, but the forms of the House would not allow me to send it to the Lords before the recess, if I proceeded with it, as the report could not be brought up until the following day, and I, therefore, believe that it will suit the general convenience of the House, as nothing of importance stands for Thursday, if I should move the adjournment of the House to-morrow I could not be enabled to send the Corn Bill to the Lords before the recess, even if it went through committee to-morrow.

Mr. *Hawes* said, he presumed the right hon. Gentleman meant to bring on the Income-tax adjourned debate to-morrow?

Sir *R. Peel:* Certainly.

Mr. *Hawes* begged to press upon the right hon. Gentleman the expediency of postponing the debate till after Easter; no real progress could be made on Wednesday.

Sir *R. Peel* wished the House to bear in mind, that the noble Lord the Member for the City of London, had given notice of some counter-resolutions on the report, and it was very desirable that the House should, as soon as possible, decide on the relative merits of the two propositions; but this could not be done until the resolutions had been carried in committee. Now, the Income-tax resolution was the basis of the whole financial scheme; and thus he had the strongest reason for desiring that no unnecessary delay should take place.

Mr. *Hawes* was sensible that the right hon. Baronet did what he felt his duty; but there were those who felt it to be theirs to oppose the measure, as inferior to others which might be adopted. He really thought no progress would be made on Wednesday.

Sir *R. Peel:* What obstructions may be given I know not. It is not for me to anticipate an obstruction which I know cannot be offered with reason or with justice. When it is offered—should it be offered—it will be my duty to meet it; but I will not assume it, nor do I wish to interpose any needless delay to the proposition of that rival plan which the noble Lord the Member for London is going to bring forward on the report.

Dr. *Bowring* remarked, the opinion of the House would be so compromised by its decision on the resolutions in committee as to prejudice the ulterior discussions.

Sir *R. Peel* replied, that this was to assume, that the resolutions once carried in committee all further opposition was useless—he was glad to hear it. The effect of passing the Corn Bill, would be to reduce the existing duties to one-half, and he was sorry that the necessity for deliberation would preclude the country from enjoying the advantage of the reduction.

House adjourned.

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HOUSE OF LORDS,

Wednesday, March 23, 1842.

Minutes.] Bills. *Received the Royal Assent.*—Consolidated Fund; West India Clergy; Regulation of Apprentices; Loan Societies; Newgate Gaol (Dublin); Mitford's Divorce.

Private.—2^{a}· Birkenhead Improvement.

3^{a}· and passed:—Witt's Estate; Midland Counties Railway; Manchester Infirmary; Clee Inclosure; South Eastern Railway.

Petitions Presented. By Lord Brougham, from Swansea, for a Repeal of the Corn-laws, and for an Extension of the Elective Franchise.

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HOUSE OF COMMONS,

Wednesday, March 23, 1842.

Minutes.] Bills. *Public.*—3^{o}· and passed:—Public Works; Spirit Duties (Ireland).

Reported.—Copyright.

Private.—1^{o}· Bletchley Road; Stourbridge Roads; Dundalk and Bannbridge Road; London and Greenwich Railway (No. 3); Lough Foyle (Upper Level) Drainage; Lough Foyle (Lower Level) Drainage; Warkworth Harbour; Belfast and Cavehill Railway (Road and Shipping Plan); Ely Place Improvement; Clerkenwell Improvement; Lincoln Roads; Burntisland and Granton Pier, Ferry, and Road; Leeds Improvement; Glasgow Police (No. 3); Barnsley Small Debts.

2^{o}· Glasgow Police (No. 2); Kilmington Inclosure.

3^{o}· and passed:—Nottingham Gas.

Petitions Presented. By Mr. Ord, Mr. Hutt, and Sir Howard Douglas, from Newcastle-upon-Tyne, Hull, and St. George's Steam Packet Company, against any Additional Duty on Exported Coal.—By Mr. Corry, from Ardstraw, Strabane, Donagheady, and other places, for the Marriages (Ireland) Bill.—By Mr. Wakley, from the Cork Cutters of Edinburgh, and Leith, against the Reduction of the Protective Duty on Cork.—By Mr. Shaw, from places in the county of Cork, against the System of National Education.—By Mr. T. Duncombe, from St. Bride's, for the Extension of the Suffrage to all who are directly Taxed.—By Dr. Bowring, Mr. Johnstone, Mr. Gibson Craig, and Mr. Wakley, from Rothesay, Cheshire, Lancashire, Yorkshire, Rutlandshire, Swansea, and from the Blacksmiths of Bloomsbury, for a Repeal of the Corn-laws.—By Sir Howard Douglas, from Coffee-dealers, against the Proposed Alteration of the Duty on Coffee.—By Mr. Gibson Craig, from Swansea, for Vote by Ballot.—By Lord Sandon, from the Liverpool Literary and Scientific Institution, from Hastings, and St. Leonard's, that Literary Institutions may be Exempted from Taxes.—By an hon. Member, from Liverpool, for the Equalization of all Materials used in Ship Building.—From Fouah, Mayo, Monaghan, and Cavan, for Encouraging the Importation of Grain in preference to Flour.—From Edinburgh, against the Buildings Regulation (No. 2).—From Burton-upon-Trent, to prevent Brewers Casks being Distrained for Rent.—From the Archdeacon of Norwich, for the Abolition of Church-rates.—From W. Newall, for applying the Industry of the Unemployed to the Scientific Culture of the Land.—From A. S. Braden, for Limiting the Duration of Parliamentary Speeches.—From J. Thin, for Inquiry into the Practice of the Court of Session (Scotland).—From Oxford, against Reduction of the Duties on the Importation of Leather.—From the Glasgow Emigration Society, for a Free Passage for Emigrants.—From W. Blaxland, for Abolition of Tithes.—From Clergy in the West Riding of Yorkshire, for Repeal of the Act uniting the Dioceses of St. Asaph and Bangor.—From Kilfera, and Killard, for Encouragement of Irish Fisheries.—From Smithborough, for Abolition of Lay Patronage (Scotland).

The Tariff.] Mr. *Hawes*, seeing the right hon. President of the Board of Trade in his place, begged to ask him how soon it would be in the right hon. Gentleman's power to place a correct Tariff in the hands of Members. He put the question because the right hon. Gentleman had promised on a former evening, that as soon as some typographical errors were corrected, and other changes made, the tariff should be laid on the Table. He was anxious, that the right hon. Gentleman should state whether the tariff would be presented before or after Easter, and if after, how soon. He thought he was entitled to press upon the right hon. Gentleman the necessity of an early production, inasmuch as there were strong grounds for believing that this tariff had been a long time under consideration, and was prepared with great attention. He understood that commercial affairs were much disturbed, in consequence of not knowing what amount of duty would be attached to each of the articles included in the tariff, and he was sure it was expected, that a correct list should be furnished as speedily as possible.

Mr. *Gladstone*, in reference to the question or rather the observations of the hon. Gentleman, ventured to say, that no unnecessary delay in fixing the duties to be laid on the different articles had taken place on the part of the Government. He could well believe, that any suspense on such a subject must have, as the hon. Gentleman represented, a distracting and paralysing effect on trade. He was exceedingly anxious, that it should be presented in an authentic form as soon as possible, but the correction of typographical errors, and of errors which they (the Government) had made, and which it was necessary to rectify, caused the delay which had occurred. But, from the number of representations to the Board of Trade, and to the different departments which had the regulation of those duties, it would be disrespectful to the persons making these communications if sufficient time were not taken to consider them. He fully anticipated that, during the Easter recess, all these representations and collateral suggestions would be determined upon; and that by the time the House met again, on Monday week, or thereabouts, a corrected tariff would be ready to be placed in the hands of Members.

TIMBER DUTIES.] Mr. *P. M. Stewart* begged to call the attention of the right hon. Baronet to a subject of the greatest importance to his constituents and to the country generally; he alluded to the alteration and reduction of the duties on timber, foreign and colonial, as affecting the interests of holders in this country. He believed the right hon. Baronet was aware, that at no former period was there such a quantity of duty-paid timber on hand, as at this moment. In London that such was the case, had, as he understood been represented to the right hon. Baronet; and in the Clyde, the Canadian timber now held, duty-paid, was greater in quantity than at any former period. He had had an interview with some of the holders of that stock this day, and they informed him that they were induced to take that large quantity on hand, because they thought they were sure that the differential duty would remain unaltered; and it was not the custom to bond Canadian timber. The question which he wished to ask was, whether it were the intention of the right hon. Baronet to relieve those parties, either by a remission or drawback of the duty (as had been done in former cases), or to give them time to get rid of their stock before the alteration of the duty came into effect.

Sir *R. Peel* said, he had received communications on this subject from a variety of quarters to the same effect as those which had been addressed to the hon. Gentleman. With respect to the peculiarly large amount of duty-paid timber now in the possession of British timber merchants, the hon. Member had mentioned one cause which he thought sufficient to explain the fact; but there was another reason which he had not adverted to, and which possibly would go still further to account for the very large stock on hand; he meant the notice which was given last year by the noble Lord (Lord J. Russell) of proposing a duty of 20*s*. a load on colonial timber, and one object of the parties might be to increase their stock and escape the larger duty; and in this predicament undoubtedly the proposed reduction had caught them, to use the very expressive phrase of the hon. Gentleman. He was asked, whether he would allow any drawback; his answer was—certainly not. There were cases in which, upon articles subject to the jurisdiction of the Customs, a drawback had been allowed—on silk for instance; and they should operate as a decisive warning against the adoption of such a system in all time coming. He had good reason to know, within the last few days, what must be the fate of him who attempted great commercial reforms. One party charged him with an unwillingness to touch great interests, and another that he interfered with the stability of trade. The statements he had received from the dealers in timber in this country represented the great depression of trade—there was no demand for timber, and in consequence of that depression the price of timber had fallen considerably, so that it was impossible now to sell Canadian timber, even at prime cost. The answer he had to make to all such representations was, "Then let us try to revive the demand by encouraging industry and opening new sources of employment." That would afford some compensation. At the same time he should be unwilling by precipitate changes to affect unjustly those who had paid the duty on their stocks. He did not, therefore, propose that the new duties should attach to timber so early as the 5th of April. He meant to allow a longer interval, the exact amount of which he would state immediately after the recess. Although the whole subject of the alterations in the tariff had occupied the attention of the Government, and those departments with which they had confidential intercourse, it was of course impossible to consult those engaged in the trade, and a vast variety of interests must necessarily be affected by those who undertook such extensive reforms. All the communications he had received convinced him that no proposition of greater value could be made than the main one of reducing greatly the duties on Baltic timber. To that he adhered, giving at the same time a full and complete protection to colonial timber. He was firmly convinced, that colonial timber would maintain its ground with Baltic timber, having regard to the scale of duties; but he would not give a single shilling of drawback. Without, however, postponing too long the claims of the consumer, he would endeavour as far as possible to lighten cases of individual injustice. The great compensation to the timber trade would be the prospect of an increased demand for timber, and a more profitable employment for capital invested in it.

EASTER ADJOURNMENT.] Sir *R. Peel* moved that the House at its rising do adjourn till Monday, the 4th of April. He made this motion now for the purpose of enabling the hon. Gentleman regularly to make any observations he thought necessary on the subject of his statement relative to the timber duties. He might also take this opportunity of stating, that as he could not undertake to make any progress either with the Corn-bill, so as to send it to the House of Lords, or with the Income-duty, as the debate might be again adjourned, he thought it more convenient, as the House had been accustomed to rise on Wednesday, to adjourn to-day instead of to-morrow.

Mr. *Hawes* had no doubt the announcement of the right hon. Baronet of extending the time allowed, so as fairly to enable the holders of duty-paid timber to get rid of their stocks, would give very great satisfaction. There was another point he wished to recommend to the right hon. Baronet's notice—he meant the mode of taking the timber-duty. It was felt by the trade to be most desirable that the duty should be calculated on timber by tale instead of cubic measurement.

Sir *R. Peel* was aware that the constituents of the hon. Gentleman were deeply interested in this question, and he must do them the justice to say, they had not made those extravagant demands that some had made. His great object was to strike a balance between the interests of the consumer and the parties interested. He had attempted to do so as fairly as he could, but he could not hold out an expectation that a very long interval would be allowed to elapse before the remission of the duty took place; because, if a long interval did elapse; it would, in fact, constitute for the time, a monopoly, and there would also be a great suspension of trade. As to the other point, he had had great satisfaction in communicating with many timber dealers on the banks of the river, and he had completely discussed the subject with them. With respect to timber in the log, and all similar classes of timber, there would be no difficulty in estimating the duty by the cubic contents; but the difference of opinion arose as to deals. The grossest injustice had been done by the mode of taking the duty on deals; in fact, the system had wholly excluded the timber of different places in the Baltic. He was informed, however, that his objection might be obviated by another mode of applying the duty, at the same time, that no impediments were thrown in the way of commerce; and when the plan suggested for that purpose had been communicated to him, he should refer it for the opinion of a most intelligent officer, his object being the prevention of any impediment to commerce or inconvenience to the trade, while he laid the duty fairly on all classes of timber of the same quality.

THE BISHOP OF JERUSALEM.] Dr. *Bowring* said, that although he had for the present withdrawn the notice he had given respecting the Bishop of Jerusalem, he was sorry to learn that some of the events he had apprehended had already occurred, in consequence of the precipitate sending of Dr. Alexander to Jerusalem A report had reached him that the bishop had been received with much ill treatment. He wished to ask the right hon. Baronet whether such a report had reached the Government? and if so, whether the Government had taken any measures to protect the person of the bishop, or for his removal from a scene where it would be very difficult for him to guard against the hostilities of the various Christian sects, and of the Jews?

Sir *R. Peel* was aware, that in some parts of Syria efforts had been made to stir up hostilities against the mission, but no account whatever had reached the Government that the bishop had been ill treated. There might, no doubt, be a hostile feeling against the bishop, but he had received no account to the effect that his personal security had been endangered.

TEMPERANCE (IRELAND).] Mr. *Caleb Powell* begged leave to ask the right hon. Baronet, the First Lord of the Treasury, whether he was in possession of any official information from which he might infer that habits of temperance were or were not progressively extending among the people of Ireland.

Sir *R. Peel* said, that he was not in possession of any official information upon the subject, and he begged leave to add that he had not, on any former occasion, expressed an opinion on the matter. He had said, that there had been of late a considerable increase in the spirit duty in Ireland, but he dared say that the spirits were taken with a due regard to temperance.

CHURCH EXTENSION.] Mr. *Hawes* begged leave to ask the hon. Boronet, the Member for the University of Oxford, whether he intended to bring forward at an early day his motion on the subject of church extension?

Sir *R. H. Inglis* said, that he had stated, on a former occasion, that it was his intention to call the attention of the House to the subject after Easter; but he could not say whether he should be enabled to do so at an early period. He would, however, fix a day as soon as he might find convenient, and he would give the hon. Member and the House due notice on the subject.

TURNPIKE TRUSTS.] Mr. *F. Maule* said, that understanding the Government intended to bring forward a bill to regulate turnpike trusts, he wished to know whether the Government intended to take any measure with respect to the Private Turnpike Roads Bills which were now passing the House.

Sir *J. Graham* said, he had given notice a few days ago of the intention of her Majesty's Government to introduce a general turnpike act; and he thought that such a notice would act as sufficient warning to any parties who had bills before the House on that subject. But if they persevered, they did so at their peril.

COPYRIGHT.] Sir *R. Peel*, in moving that the Orders of the day be read, appealed to his noble Friend (Viscount Mahon) to allow the Government precedence, in order that the resolution with respect to the Income-tax might be brought forward. He had no right to interfere with his noble Friend's privilege to move the committee on the Copyright-bill as the first business of the evening, but he thought it would be for the public convenience if he were allowed to proceed with the important subject of the Income-tax.

Viscount *Mahon* felt great reluctance in postponing his measure, especially when he recollected that, in former Sessions, postponement and delay were the principal causes of the failure of a similar measure; but, considering the great importance of the question which the right hon. Baronet desired to bring forward, and the present state of that question, he thought he should best consult his own sense of duty, and the feelings of the House, by complying with the right hon. Baronet's request. He should therefore only propose that his bill be committed *pro formâ* that evening, with the view of having it reprinted with some amendments; and he should then fix a day after Easter for its consideration.

Lord *J. Russell* lamented that the bills on this subject had never been in a shape which could induce the House to agree to them, and he did hope that his noble Friend who had the conduct of the present measure would take every means in his power to prevail upon the parties who took an interest in the bill to concur in their views, so that there might be some prospect of its passing. In the object of the bill he concurred, but some difficulties had always arisen as to the details.

Viscount *Mahon* said, he had been in communication with several parties, and he hoped that the changes he proposed to have printed would materially obviate those objections which at different periods had been taken against such a measure. He should be most happy to attend to any suggestions that might be offered.

Orders of the day read, and the House resolved into committee on the Copyright-bill *pro formâ.* Amendments made, and bill ordered to be printed.

Forgery of Exchequer-Bills.] Mr. *C. Buller* asked, what course the Government intended to pursue with respect to the Forged Exchequer-bills Bill? No opposition was, he believed, intended to be offered to the measure, and it was very hard that it should be postponed. It should be recollected that there was a number of individuals whose fortunes and characters were depending on the settlement of the measure.

Sir *R. Peel* said, that the Chancellor of the Exchequer has been anxiously seeking for an opportunity to bring on the bill, but none had presented itself, although the House had sat every day until half-past one or two o'clock. It was necessary that the bill should be brought on at an early hour, because the late Solicitor-general had given notice of his intention to move some amendments.

Lord *J. Russell* said, it was true that his learned Friend the Member for Worcester intended to move some amendments to the bill, and, therefore, it was desirable that it should, if possible, be brought on some day at an early hour. The amendments were confined to a particular point, and would not give rise to a general discussion. He wished to ask the right hon. Baronet a question upon another point. The right hon. Baronet had referred to the machinery established under the Property-tax Act of 1806, as being the model for that which he intended to introduce into his bill. Now it would be very desirable that the House should have an opportunity of comparing that act with the right hon. Baronet's bill; and he, therefore, wished to know whether the right hon. Baronet would have any objection to the reprinting of the act of 1806?

Sir *R. Peel* thought, it might be productive of convenience to have the act reprinted, and it should be done.

Sir *G. Clerk* said, that probably there might happen to be a sufficient number of copies of the act at the Queen's stationers, in which case it would be unnecessary to reprint it.

Sir *R. Inglis* asked when the Exchequer-bills Bill would be proceeded with?

Sir *R. Peel* said, he could not do better than propose that the bill should come on at five o'clock on Monday the 4th of April.

Income Tax.] Sir *R. Peel* moved the Order of the Day for the House to resolve itself into a committee of Ways and Means to consider the resolution for a property and Income-tax.

Order of the Day was read, on the question that the Speaker do leave the Chair,

Mr. *Blewitt* said, he thought as he did on Monday night, that the proposal for an Income-tax was pressed forward with indecent haste, and that the right hon. Baronet relied upon the charity of the House for enabling him to carry the tax upon which the people of the country had had no opportunity of expressing their opinion. He thought that the right hon. Baronet was not acting in accordance with constitutional principles. He understood that the object of a committee of Ways and Means was to raise money to provide for the supplies; but the right hon. Baronet proposed an Income-tax in order to enable him to take off other taxes. That was not providing for supply to be granted to her Majesty. Being of opinion that the proposal for an Income-tax was pressed forward with indecent haste, he would move then that another order of the day should be proceeded with. He accordingly moved that the Public Works Bill should be read a third time.

The *Speaker* said, the hon. Member could not make that motion, because the order for the House resolving itself into a committee of supply had already been read, and the question now before the House was, that the Speaker leave the chair.

Mr. *Blewitt* said, that he would move that the new tariff should be taken into consideration before the Income-tax.

The *Speaker* said, that that motion also was irregular and out of time.

Mr. *Blewitt* wished to know in what respect the motion was irregular.

The *Speaker* said, that the tariff must be considered in a committee of the whole House; but the order of the day had been read for a committee of Ways and Means.

House in committee.

Lord *R. Grosvenor* was well aware how little entitled he was to address the House upon the all important and difficult subject which now occupied its attention, and he should not have ventured to intrude himself upon its notice had it not been that he believed he entertained opinions differing from those of any of the speakers who had preceded him in the debate, and it was under that impression that he would ask the kind indulgence of the House whilst he endeavoured, as briefly as possible, to state the reasons which would influence his vote upon the present occasion. The outline of the arguments on both sides of the House upon this question, he apprehended to be this; the right hon. Baronet, on the part of her Majesty's Government, he understood to say that, in consequence of the continued deficiency in the revenue as compared with the expenditure, it was absolutely necessary to devise some means of raising the revenues to the annual requirements of the State; that, on account of the disturbed state of our affairs in India, our relations with China, and especially as Government had it in contemplation to make great changes in the tariff, the results of which could not with certainty be predicted, it would be expedient not only to restore the income of the country to a level with the expenditure, but also to widen the margin, in order to meet possible expenses on the one hand, and to guard against deficiency on the other. To effect this, new taxes must be imposed; that as it was impracticable to place further burdens upon articles of consumption, recourse must be had to direct taxation, and that the best method under the circumstances would be the levy of a tax of 7*d.* in the pound upon all incomes whatsoever, be they perpetual, or be they casual, above 150*l.* a-year, for a limited period. This he understood to be the case of her Majesty's Government, with the exception of the imposition of certain other duties upon stamps and spirits in Ireland, as an equivalent to the share of the property-tax which Ireland might be expected to pay, and an export duty upon coals of 4*s.* a ton; but those did not materially affect the question now before the House, which he took to be, whether we shall consent to the imposition of the Income-tax upon the terms proposed by the right hon. Baronet? On the other hand, it had been urged by Gentlemen on the Opposition side of the House, that the tax was an odious one; inquisitorial, unjust, and intolerable in its nature, in whatever shape it might be put forward; that it had always hitherto, and ought still to be, considered as the *ultimo ratio ærarii.* That in order to distract public attention from the deformity of his scheme, the right hon. Gentleman had greatly exaggerated the difficulties of his position; and to prove the truth of the allegation, a list of taxes, producing many millions, which had been repealed since the peace, had been pointed out to him, upon which he was told he ought to have exercised his financial ingenuity before having recourse to so reprehensible a proposition as his Income-tax. The right hon. Baronet, as he understood, differing widely from the other side as to their view of the exigencies of the moment, concurred nevertheless in this, that the tax was one which should not be resorted to, except in a case of urgent necessity; and it was just on account of this agreement between the two parties, and because he ventured with great diffidence and humility to dissent from both, that he was anxious not to give a silent vote upon the present occasion. He had considered this subject, not now for the first time, and had not concealed his opinions, that although no doubt many objections could be urged against this tax, in whatever shape it might come, still that much more serious exceptions could be taken to many other taxes, which still remained unrepealed upon our statute book; and when he heard the right hon. Baronet, in the course of his financial statement, inform the House that it was his intention to propose the Income-tax, he cheered the announcement, because he had hoped that, warned by past experience, the right hon. Baronet would have propounded it upon just principles, and would have continued to levy it, not merely till he had had time to revise the tariff, but also till he had been enabled to review the whole system of our taxation, in order to the repeal of some of those imposts to which he had alluded, and which press so heavily upon the springs of our national industry. The right hon. Baronet doomed him, in common with those who entertained similar opinions, to a severe disappointment, in the first place, in giving them little hope of any intention to deal with the oppressive monopoly of sugar duties; secondly, by the production of a tariff replete with vicious principles; lastly and mainly, by the explanation of the manner in which he intended to apportion his tax, and which would, in addition to its already sufficiently unattractive features, render it a measure of the most cruel injustice. It might be all very well in former times, when the proposition was novel, and the danger imminent, to overlook the unequal and inequitable pressure of a tax so levied; but now, when all these things were better understood, and the differences were susceptible of calculation, he was at a loss to conceive what excuse a Minister of the Crown could have, after mature deliberation, for coming down and proposing to this House that the owner of property in land or the funds, subject to no condition whatsoever, should pay no more in proportion than the annuitant, the professional man, and the trader. And he would go further; he had given the subject all the consideration in his power; he had listened to all that had been advanced in the debate, and he declared, that unless more cogent reasons could be adduced than had been put forward hitherto, he would never give his vote, whatever might be the circumstances of the country, to an Income-tax levied in the manner now proposed by her Majesty's Government. He would not so far abuse the patience of the House as to advert to the wanton sacrifice of a large revenue in the face of this deficiency, and the irreconcileable difference between the claims put forth by the right hon. Baronet on the part of the Government to be the friends of the consumer and the promoters of sound principles of commercial legislation, and the facts of their proposed laws with regard to the importation of corn, the continuance of the sugar monopoly, as they are, and the differential duties of their so-called revised tariff. It was not that he was not fully alive to the circumstances, but they had already been so ably and so unanswerably stated by the noble Lord and right hon. Gentlemen who sat around him, that further comment was superfluous: doubtless, they would give this House and the country additional reasons of dissatisfaction at the proposed impost, although they did not include the main objections he entertained towards it. He had endeavoured to state, what were his convictions on this subject, without unnecessarily alluding to any topics of irritation; but before he sat down, he might, perhaps, be allowed to state, that he deeply regretted that the right hon. Baronet, the principal Minister of the Crown, and the leader of that House, should have been the first to introduce an acrimonious tone into this debate, and that upon a subject which was one requiring the calmest and most dispassionate consideration, he should have thought fit to cast imputations upon the noble Lord, the Member for London, and those who acted with him, imputations which he could with safety say it was out of the right hon. Baronet's power to substantiate. And, however little credit he feared the right hon. Gentlemen opposite might be inclined to attach to the assertion, he assured the House he had endeavoured to arrive at his opinions unbiassed by party considerations; but honestly and sincerely entertaining them, he felt himself compelled to vote against the resolution now in the hands of the Chair.

Mr. *C. Buller* could not avoid commencing his remarks upon this important subject by expressing his coincidence with the noble Lord who had preceded him, in censuring the tone of acrimony and party feeling which had been given to the debate by the right hon. Baronet the Member for Tamworth. [*Interruption.*] He was going to explain the grounds on which he said this, for he was not in the habit of making charges without explanation. If ever there was a question which deserved to be discussed without reference to party feeling, it was this; and if there was any person who should be especially anxious to prevent such considerations entering into the discussion, it was the Minister whose duty it was to introduce so great and important a measure. In this respect, the conduct of the right hon. Baronet, with reference to this subject, had disappointed him; it was different from what he must, in justice say, was the moderation and fairness which usually characterised the right hon. Baronet's course of proceedings in that House. In the first place, he could not help thinking that the measure was pressed forward with some degree of unnecessary haste. In the second place, he thought that the Minister in bringing it forward should have held himself open to the reception of any alterations which might be suggested during the progress of the discussion; and ought not, in the first instance, to have declared, peremptorily, that he would not listen to amendments, and that the plan should be taken as a whole. [Sir *R. Peel* was not unwilling to attend to suggestions.] He certainly understood the right hon. Baronet to have expressed the opinion which he had attributed to him when he stated his intentions with respect to terminable annuities. He had heard with astonishment the right hon. Baronet declare, with reference to such a question as that, that he would not admit of any alteration, and he subsequently used the significant phrase, that Government would stand or fall by the measure. The right hon. Baronet had, in his opinion, carried this fault still further by the tone of recrimination which he had adopted towards that (the Opposition) side of the House, and by constant appeals to party feelings on his own side of the House—by the assertion, over and over again, that his measure had been rendered necessary by some great misconduct on the part of his predecessors. [*Cheers.*] Now, that cheer which now greeted him from the other side was just one of those violent party cheers which, he contended, ought not to have been heard in the course of this discussion, but which the right hon. Baronet seemed to him to have taken the utmost pains to elicit; and he must say, with all respect, that the right hon. Baronet's conduct in the debate had given too much reason for believing, that he did not venture to rest his plan upon the mere claims of justice and good policy, and had therefore endeavoured to carry it by rousing party feeling in support of it. The right hon. Baronet must have observed the ominous silence with which his announcement of an Income-tax was received on his own side of the House, and the still more ominous silence with which the details of his new tariff were received in the same quarter; and, therefore, the right hon. Baronet had felt it expedient to appeal to party feeling in order to excite his followers to support him in measures which were unpalatable to them, for the mere purpose of giving him another triumph over their political opponents. It was with great reluctance he said this, because he was aware it would be considered unbecoming in him to appear as the censor of the right hon. Baronet. He could assure the House, that he would not have said so much if he had not sincerely deplored the tone which such high authority had introduced into the debate. He would not say another word upon those topics, but proceed at once to the question immediately under the consideration of the House. He thought he would not be accused of dealing in that solemn exaggeration to which they were all in that House somewhat too much given, when he expressed an opinion that the plan proposed by the right hon. Baronet was a measure which concerned not merely the budget, not merely the finances of the year, but which must inevitably exercise great influence on the future financial policy of the country. The proposition of the right hon. Baronet to impose an Income-tax, in time of peace, appeared to him to be the most important innovation ever attempted in the financial history of the country. He was not versed in the language of praise — he very seldom used it; and the right hon. Baronet might therefore rely on his sincerity, when he gave him credit for having shown great boldness in the scope and magnitude of the measure which he had brought forward. It was not a measure which a timid or narrowminded man would have ever dreamed of proposing. He must also give the right hon. Baronet—and here, too, he spoke with all sincerity—credit for perfect honesty. His was not a proposition which would have been brought forward by a man who was anxious to tide over the difficulties of the moment, and to avoid collision with men's interests. Further than that, however, he could not go in the way of praise. Great, honest, and bold as the measure was, to him it seemed nothing but a great mischief; and the most rash, unwise, and pernicious scheme ever proposed in the financial history of the country. This was no question of how the Government was to obtain the supplies for a single year. The right hon. Baronet proposed that the Income-tax should endure for three years; but was there a man in the House who supposed that if the right hon. Baronet should succeed in carrying his measure the experiment would stop at that period? No; it was far too convenient a mode of raising supplies to allow of any one entertaining the hope, that it would be abandoned at the termination of the period now assigned for its existence. It was a far easier mode of making up a budget to propose an addition of one-half or 1 per cent. to the Income-tax than to impose fresh taxes to raise the amount of revenue required. He could not, therefore, help regarding this measure as likely, if successful, to effect a great change in the financial system of the country, by commencing the substitution of direct for indirect taxation. Now, to such a change he objected so strongly, that he hoped he should be excused for going fully into the grounds of his opposition to it, though in so doing he might perhaps fall into the error of repeating much which had been said by hon. Members on his side of the House. The objections which he should now state would apply exclusively to the Income-tax—the tax upon fluctuating and uncertain incomes. He believed, indeed, that no one had objected to the property-tax, that was, to the tax upon realised property. There was only one remark he would make upon the subject of a property-tax as disconnected from a tax upon income. If the Members of the two Houses of Parliament, who were almost entirely owners of fixed property, landed or funded, chose to impose a tax upon themselves, he would say that it was a public-spirited and noble measure. To any proposal of such a tax he could only reply in the language of the old story of King James 1st and the bishops. King James, as the story went, once asked Bishop Williams, who was a notoriously servile man, whether he had a right to take money from his subjects in order to raise a sum he wanted? To which the bishop replied, that his Majesty had a right to take what he pleased. The king then turned to another bishop, who was a man of more independent character, and asked him his opinion on the point. He replied that his Majesty had an undoubted right to take Bishop Williams's money, because he had assented to it. In the same way, if the owners of property in Parliament should think proper to take on themselves alone the burden of supplying the wants of the State, he had no doubt the professional and trading classes would allow them to follow their inclination in that respect. He himself, however, did not see how these two kinds of taxes could be disconnected, and he must frankly say, that when he opposed the Income-tax he was conscious he was also opposing a property-tax, because he could not place such reliance on the magnanimity of the Members of the two Houses of Parliament as would lead him to suppose that they would grant a tax upon property unless it were accompanied by a tax upon income. However lucid and full were the explanations which the right hon. Baronet had given of his scheme, yet with respect to the objections which had been made to it on the score of its bearing on the possessors of fluctuating incomes, nothing had been done towards clearing them away. The first objection was, that the measure was very unjust by taxing realised property only at the same rate as incomes for life or a more uncertain period. They would tax the man whose property was funded or in land, his own as long as he lived, and which would then descend unimpaired to his family, at the same rate as the man whose income was for life or for a shorter period, dependent perhaps for his gains from year to year upon health or professional success. That portion of his annual gains which a professional man was compelled to put by, was to be taxed at the same rate as that which he could afford to spend. This was, in truth, taxing the capital of the professional man, while you only taxed the income derived from realised property. He would give what appeared to him a striking illustration of the injustice of this. —Suppose a man in a profession to make 5,000*l.* to lay by besides what was necessary for his expenses for the year; another man got a legacy of 5,000*l.* in the same year; yet what a different course was taken towards the two! The professional gain of 5,000*l.* a year, though laid by, and turned into capital, was regarded, for that year, as income, and the tax would be levied on the whole 5,000*l.*; but the legacy of the same amount was immediately to be considered as capital property, and the tax would be assessed, in that year, not on the whole 5,000*l.*, but merely on the income arising from it. That appeared to him a cruel injustice. It was a cruel thing to levy upon professional gains of men whose families were dependent on their gains the same tax as they took from a man whose property descended unimpaired to his family. He would not take the case of lawyers, whose incomes were sometimes imagined to be so large, but which were often very little, nor would he take the case of physicians, although the tax was peculiarly hard upon them, on account of the short period during which they made any large income. He had been told, on the authority of one of the first physicians in this country, that the gaining period of a physician's life was not above fifteen years, and there was no other profession which enjoyed so short a period of gain. But take the case of a small trader, the captain of a ship, or any person who was making his small gains by any precarious and hard-working employment. The inequality of this measure as it affected such persons was a cruel injustice. The second objection to this tax—its inquisitorial nature—had been admitted by the right hon. Baronet, but admitted by him in a very easy manner, as if it could have no weight. Throwing all other objections overboard, he had very coolly told them that, barring the inquisitorial nature of the tax, he had not heard any other objection made to it. In 1816 the inquisitorial nature of the tax, which was now treated so lightly, was what was most complained of, and, more than any other cause, led to that public excitement among the people of this country, which exceeded that created by any other measure, except perhaps the Queen's trial and the Reform Bill. It then occasioned a greater disturbance of the usual arrangements of parties, and a more signal defeat of Ministers than had ever been recorded since the commencement of the present century. The right hon. Baronet had materially modified none of the old machinery. He had contented himself with saying, that the machinery would be that of Lord Henry Petty's former bill, hoping, probably, that the esteem felt for the Marquess of Lansdowne on the Opposition side would neutralize any objections. Why, that was the very bill, and the very machinery, against which the country had formerly revolted. That was the very bill, the inquisitorial nature of which had excited so much opposition. But the right hon. Baronet had not adverted to what he should specify as the next objection to the tax, most justly made the subject of serious comment, and that was, its demoralizing nature; for the tax was one which, of necessity, more than any other, gave all sorts of encouragement to fraud, enabling men to deceive, giving some the opportunity of returning themselves as more prosperous than they really were, and inducing others to return themselves at less than they actually were worth. This had been found to be the case much more than was generally known. The exact statistics of fraud it was difficult to get at, except when it happens to be exemplified at assizes; therefore, to tell the exact extent to which this species of fraud had been carried during the last Income-tax was impossible. But one fact he might mention, illustrating very strongly the truth of what he was urging. In the debates of 1816 it was stated that the great manufacturing interests of Manchester were assessed at only 300,000*l.* per annum, while at the same time Glasgow, the manufactures of which were not half so extensive as those of Manchester, was rated at 600,000*l.*, making it clear, that if Glasgow had been fairly rated, Manchester had paid not one quarter of what was fairly due. Now no doubt could be entertained that similar frauds would be attempted again; his firm belief was, that evasions of the tax would be extensively attempted. A great deal had been said about the merit of the tax in enabling them to avoid taxes on consumption, and thereby not pressing on the working classes. But this was a tax, if not directly on the working classes, at any rate, on the fund which employed them. The objection he made to the tax was, that it fell on the capital by which labour was employed. They should take into consideration the remarks made by the noble Lord, the Member for Northumberland (Viscount Howick) the other night, respecting the great redundancy of capital in this country, and the consequent reduction of profits. The noble Lord stated that even at present the profits were so small in several branches of industry, that they had been abandoned by many capitalists, and the workmen consequently thrown out of employ; and if the right hon. Baronet should impose a tax of 3 per cent. on these profits, certainly it would be no inducement to them to make larger investments of their capital. He believed it would lead to a still greater number of the working classes being thrown out of employment. Another objection to this Income-tax, which seemed to him to be of great moment, was, that it had never been tried before in time of peace. On former occasions it had been tried in time of war, when the Continent was closed to us, and people were unable to go abroad. But now they were going to apply an Income-tax at a time when any man of fluctuating capital could remove with it to any portion of the world. What must be the tendency of such a tax as this? Must it not be to drive capital out of the country, and transfer it to other countries? Did the right hon. Baronet not know that this was a result which the present circumstances of the country are already tending to produce? Did the right hon. Baronet know the history of the manufactures on the Continent for the last few years, and how they were carried on by British capital; and was he going to add further inducements to its transfer by imposing a tax of 3 per cent. on the capital of this country? It seemed to him (Mr. C. Buller) that there never could have been a time in which these general objections to an Income-tax in time of peace applied so strongly as at the present moment, and above all applied so strongly to the present proposal. His first special objection to the present proposal of an Income-tax, was its extremely small amount. He could conceive that there might be sound policy in an Income-tax when they desired to raise a large amount of revenue. If they entertained such a project as that of Mr. Ricardo, and proposed to make the capital of the country contribute towards paying off the national debt, that might be worth making an effort for; but the right hon. Baronet proposed to raise only 3,500,000*l.* by means of an Income-tax. Its inquisitorial machinery, the injustice of its assessment, its immoral tendency, was as great for 3,000,000*l.* as for 100,000,000*l.*; and he thought it a great objection that all the evils of the tax which existed not in the amount taken from the people, but in the mode of taking it, were now to be incurred for a comparatively small amount. His next objection to it was, that it was for so comparatively short a period. This put the injustice of the tax on fluctuating incomes in an extremely strong light. Mr. Pitt's argument was, that the Income-tax weighed not more heavily on fluctuating than on permanent incomes; because each income was to pay as long only as it lasted, and the fluctuating income expiring before the other, would also cease to be taxed before the other. He could, by no means, admit the force of this justification for taxing realised property and fluctuating incomes to the same extent; but it was clear, that at any rate, Mr. Pitt's argument applied only to an Income-tax of an indefinite duration. How would it apply to an Income-tax imposed for a limited period of three years? If one man was taxed to a certain amount on his income derived from a lease of three years, or the precarious professional gains of three years, and another man on an estate in fee which brought him in the same income for the same period, the right hon. Baronet could not, like Mr. Pitt, tell the first, that as his estate was of less duration, so he would be taxed for a shorter period, because, in fact, both would be alike taxed for three years; the leasehold and professional income would pay the tax during the three years of their existence; the estate in fee would pay no more, for at the end of the three years, the tax was to cease. He must also say, that he believed the present to be an ill chosen period for the imposition of an Income-tax on account of the great and extreme distress which now prevailed in the country. Whatever it might have been in former periods, it must be certain, that where the employment of capital was not profitable, that where there was great distress and great commercial embarrassment, this inquisition, injurious as it was in prosperous times, must be productive of more than usual inconvenience; while it must also be productive of more than usual mischief at such a period to tax the employment of capital. There was another argument which struck him as very forcible when applied to the present period—namely, that the machinery of this tax, always objectionable, must be more especially objectionable at the present period on account of the violence of party feeling, so much greater now than in the time of war, when this tax was formerly in operation. Who would be employed to carry this tax into operation? a man's neighbours: and those neighbours chosen by the Government of the day. It was perfectly possible that great injustice might be perpetrated by violent party men, and consequently great terror would be engendered in a small community by the knowledge of the fact, that every man's circumstances were to be exposed to some violent political partisan, who might be appointed a commissioner. His last objection to this particular period for the imposition of the tax was grounded on one of the very considerations which had been urged for putting it on—namely, the distressing news just received from India, and the state of our affairs there. He thought the right hon. Baronet, in the speech which introduced his budget, did right in undervaluing the argument of what foreign powers might think of us. We were rather apt, in general, to think too much of their opinion; but, at the same time, in matters of finance, it did appear to him that the opinion of foreign powers was of importance, and that it was unwise to do that which, in their eyes, might appear an act of alarm. This tax had always been considered in this country as the last resource in the most arduous war, and had never been imposed but during the most arduous periods, such as in 1798, the period of the mutiny at the Nore, and the treaty of Campo Formio, and again at the renewal of the war with France after the short peace of Amiens. It seemed to him (Mr. C. Buller), therefore, that this period was ill chosen for putting on this tax, because, from our having recourse to the same remedy, the world would infer that we were in the same strait as on those occasions; and that thus instead of being a proof of vigour, it would be regarded as a proof of alarm. But his main objection to an Income-tax was founded upon the mere fact of its unpopularity—an unpopularity which it must be obvious went on increasing the more that it was felt, and the inquisitorial nature of its machinery experienced. It was well known that this tax was most unpopular in former times, and there was not the slightest chance of its being more popular at present; for though, as a matter of course, there was not now the same expression of feeling against it as in 1816, when the people had had experience of it, it could not come into operation without that feeling being again excited; and it should be remembered that one cause which would minister to those feelings was, that a great proportion of the people would look on it as imposed upon them, not as a legitimate source of revenue, but in order to prevent a revenue being raised from more legitimate sources. They would look upon this tax as one imposed to keep up monopoly; and every feeling of aversion to its pressure would be consequently aggravated by one of deep and just resentment against its origin. This argument, derived from the mere fact of general unpopularity, applied to all direct taxation; but it applied above all to this tax, the machinery of which was so peculiarly odious. It appeared to him unwise, in a country which took so large a portion of a man's income for the public service, to let each individual see too clearly the exact amount he paid. [Sir *G. Clerk*: Your party advocates direct taxation.] He was not surprised at the hon. Baronet's observation. Many Gentlemen on his side did advocate direct taxation; he himself did not, however; and it did a little surprise him, that he (Mr. C. Buller) should be taking so conservative a course against so revolutionary a project proposed by the right hon. Baronet. He repeated, that it seemed to him unwise to let each individual see the exact amount of taxation which he paid, and more especially when so large a portion of the amount taken from the subject was employed, not to support public establishments, but to pay the national debt. It might be said that they did not pay the less by indirect taxation, and that if they did not pay taxes to the collector, it was charged for in their tradesmen's bills; and so they might, but they blamed their butcher or their baker for it, and did not complain of the Government for the amount thus taken from them. Direct taxation might, in consequence, perhaps, have one advantage—it might tend to check the extravagance of our public expenditure, which, under all administrations, was, he thought, too large; but might it not also lead to something still more formidable? Suppose the people, aggrieved as they would be by this tax, should say, that their only hope of relief must be a reduction of the national debt? Some hon. Gentlemen might look upon this as a thing of which there was not the most remote apprehension; but his experience led him to feel less confident on the subject. He had heard outcries against the national debt in that House, and he had heard them too strongly responded to from both sides to feel quite secure on this point. With so large a debt and with the consequent necessity of raising so large a revenue, he felt convinced that it was wise to raise as large a revenue as possible from indirect taxation. The hon. Member for the Tower Hamlets had dwelt very ably the other night on this topic. Up to the Revolution there had been a direct tax imposed on the people of this country, the hearth tax, which was got rid of on account of its inquisitorial character, and which the country assuredly would not bear now. After the Revolution another direct tax, the land-tax, was shuffled off. What was the history of the property-tax? During the whole of the war the people bore it without a murmur. At the conclusion of the war they were suffering from a variety of most oppressive taxes—the tax on salt, the tax on leather, and a multitude of others, yet against none of these did the people at the conclusion of the war raise their voices, but they turned round on the property-tax, and the Government of the day was compelled to abandon it. The assessed taxes next became an object of popular hostility. In proportion as the people had obtained more influence in that House their hostility had been more and more directed against whatever direct taxation existed. In the first instance it had manifested itself against the assessed taxes, and Lord Althorp was obliged to take off the house-tax and half the window-tax. A curious illustration of this extreme dislike to direct taxation was afforded last year by the exemption of stock in trade from being assessed to the Poor-rates. According to the law of Queen Elizabeth there could not be a doubt that stock in trade was quite as liable as any other description of property; but, owing to the odium of such a rating, it had never been collected; and when, in consequence of a decision of the Queen's Bench, stock in trade was found to be liable, that House enacted in a law to prevent the further continuance of that liability. Thus, in one year they proclaimed that they could not assess any stock in trade; and the very next year they came in and imposed a tax on every description of stock in trade. It ought to be mentioned that the right hon. Baronet appeared to him greatly to have under-estimated the amount of revenue that might be looked for from this tax, even without taking into consideration the great increase that had taken place since the war in the wealth of the country. The income of Great Britain as assessed in 1815 was 170,000,000*l.* The whole amount of income exempted from the tax was 28,850,000*l.* leaving a remainder of 141,150,000*l.*, and supposing the income of the country to be the same now as in 1815, a revenue of 4,100,000*l.* might be anticipated, being 400,000*l.* more than the right hon. Baronet had calculated. But was the income of the country now the same as in 1815? It might not be easy to say what was now the amount of personal property, but he held in his hand a return that was accessible to every hon. Member, and from which some approximation to a correct judgment might be formed. The legacy duty formed a very fair criterion from which to judge of the increase in the value of the personal property of the country, for the number of persons who died, and the amount of property that was bequeathed, were not likely to vary very much from one year to another in the same period. During the four years ending in 1815, the annual average of the property which paid the legacy duty amounted to 26,000,000*l.* and during the four years ending in 1839, it was 42,935,000*l.* It might, therefore, be fairly assumed that during that interval the value of personal property had increased to a proportionate extent. This argument which appeared to him perfectly sound, was supported by others, resting on other statistical data. He found these data in the increased consumption of different articles. Since the war, taxes had been repealed to the amount of 25,000,000*l.* a year, without including the property-tax, and yet the falling-off in the revenue, in consequence of the repeal of so many taxes, did not amount to more than 10,000,000*l.* This great increase in the consumption of various articles must have been owing to the increased incomes of the country, whereby the people were enabled to consume so much more than formerly. It seemed, therefore, to him, that the right hon. Baronet was asking for much more money than he wanted, and this was a point to which those hon. Gentlemen ought particularly to look who expected that direct taxation would lead to greater economy; for if the Government was extravagant now, it would certainly not be less so when it had four or five hundred thousand pounds more than was at all necessary to the service of the country. What was the necessity of the imposition of such a tax? If a necessity existed, no one doubted the tax would cheerfully be submitted to. In the excitement of war, the country would be sure to submit. The inquisitorial character of the tax, people would say was very bad, but an inquisitorial tax was better than submission to an enemy, the demoralisation arising from the tax, and the inequality of its imposition, they would say were very bad indeed, but to be overrun by foreign soldiers would be still worse. At present, however, no such necessity existed for the imposition of the tax. The right hon. Baronet had prefaced his proposal for imposing it with a statement in which he had taken a most extravagant view of the exigencies of the present state of affairs, as well as made a most extravagant depreciation of the resources of the nation. The right hon. Baronet had also referred, in terms of the greatest despondency, to the disorder exhibited by the finances of the nation, and he had made the most of all these exaggerated statements for the sole purpose of inducing the House to consent to the imposition of an Income-tax. True it was, that the House had repealed several of the old taxes too soon, and equally true it was, that the abstraction of those taxes had caused the deficiencies in the revenue of which the right hon. Baronet had made so much complaint. Amongst those taxes that were repealed, however, there was one which had been often discussed, and to which frequent reference had been made, as if the reduction of it were a measure to be censured and deplored. He referred to the Post-office reform, and he felt no hesitation in saying that if an opportunity could be given him of voting on that subject, with the advantage of all the experience and consideration for which he had had an opportunity since he voted in 1839, he would repeat the vote, which he then gave, and now, as then, strain every nerve to repeal the tax upon the carriage of letters; for he felt no scruple in asserting that if he looked back to the advantages which had been already conferred upon the nation by the Reform Bill, more general benefit had been conferred by that one measure of penny postage than by any other act which Parliament had sanctioned since the year 1832. It was the measure of all the legislation of reformed Parliaments, that had shewn the most sincere and enlightened regard for the working people: a regard which went further than the mere material wants and comforts of the people, and made some provision for their moral condition. The reduction of the former enormous rate of postage to its present uniform amount, showed that the Government had had regard for the moral wants of the lower classes, had given them credit for possessing hearts and intellects, and had by means of the free communication now permitted to them by means of the Post-office reform, given them an interchange of affection and opinion. [*Cheers.*] Those cheers, which sounded somewhat like a taunt, came with a very bad grace from the same hon. Members who had deserted their party in order to vote in favour of the repeal of the tax on letters; and they proceeded with a still worse grace from the supporters of a Government which would not venture to re-impose the tax, which they insinuated ought not to have been abolished. To return, however, to the consideration of those financial difficulties by stating which the Government had endeavoured to justify an Income-tax. The right hon. Baronet had observed, that it was quite notorious to every one, that the indirect taxes had reached their utmost limit. He grounded this on the fact, that when the late Chancellor of the Exchequer had placed the additional per centage on customs duties, the revenue had not been proportionably increased. This shewed certainly, that the mass of the articles now paying customs duties could bear no further taxation. But did the right hon. Baronet mean to say, that because taxation had reached its utmost limits on certain articles of consumption, there were not others to be found? Did he suppose, that if any of the taxes producing 25,000,000*l.* annually, which had been repealed since the war, were re-imposed, they would produce less than formerly? Could not those who preferred raising a revenue by way of direct taxation have recourse again to the assessed taxes, and levy it in the shape of the three or four millions of that class of imposts which had been repealed since the war? Those would suffice for all the wants of the Exchequer, without having recourse to the direct mode of taxation of income. But when the right hon. Baronet asserted that the taxes on articles of consumption had reached their utmost limits, he had also stated, that no reduction which the Government could make on the articles of consumption subjected to high excise and customs duties, would immediately increase the revenue by increasing consumption. The increase of the revenue derived from lowering excessive imposts, is, as he says, a matter of time; and as we want an increased revenue at once, we cannot trust to this source for it. But the right hon. Baronet had not alluded to the resources which would be afforded to the state by the diminution of the differential duties on various articles of consumption imported into this country, and which were highly productive duties. When you lower other duties, you of course lose a certain amount of duty on each article which pays it; but when you lower a protecting duty, you are sure to gain instead of losing revenue, because the article which never entered the country before will then enter it and pay duty. No argument had been brought forward to show that the budget of last year was fallacious. That budget was based on a modification of the differential duties on sugar, timber, and corn; but the whole of that had been thrown over to raise the required revenue by direct taxation; not out of regard to the people, but from a fear of touching certain powerful interests. It was true indeed that the alteration of the Corn-law in the present Session was calculated to bring in some additional revenue; but the right hon. Baronet said, he would calculate on no revenue from this source, because it had generally been observed that whenever there was an increase in the customs in consequence of a large amount paid in duty on corn, there was always a corresponding falling-off in the excise. Under the present Corn-law that was likely enough. A large importation of corn, in the present state of the law, was always a sign of a high price of corn—was always a sign of a bad harvest. Of course, if a man spent so much more on corn, he had so much the less to spend on excisable articles. If, however, the proposed Corn-law were a relaxation, the importation of corn would not in future be a sign of such distress. The right hon. Baronet said, that under the proposed law wheat might be imported when the average was at 60*s.* a quarter, instead of 70*s.* or more, to which the price must now rise, before importation takes place. And it did not, therefore, at all follow now, that if there was a large importation of corn, there need necessarily be a decreased consumption of other articles paying duty. He had now stated his objections to the Income-tax; and he wished to ask Gentlemen opposite, what they expected to gain in exchange for submitting to so disagreeable and onerous a burden as the Income-tax? It was perfectly obvious, that they submitted to it in order to keep up the great monopolies, in which they were interested. Now, before submitting to a very bad tax with this view, he would advise them to consider whether they were likely to maintain the privileges to which they were making so great a sacrifice. It seemed to him, that the probable result would be, that ere long, they would lose their present protection, but remain saddled with the tax. Let them look at the measures of the right hon. Baronet as a whole; and couple with his Corn Bill, and his Income-tax the free-trade principle of his tariff. In that he introduces the principle of free-trade, and applies it to the destruction of all the petty monopolies of the country. How long then could they hope to keep up the corn and sugar monopolies, which were such sacred objects of attachment in that House? These two monopolies alone the right hon. Baronet left untouched. All the smaller monopolies he fearlessly attacked; but how would corn and sugar be able to maintain their ground when all the smaller monopolies were struck down? How long would they remain when unpropped by their kindred interests? On the subject of corn, the right hon. Baronet at the head of the Government, and the right hon. Baronet the Member for Dorchester, had carefully guarded themselves against its being supposed that they laid down the principle of finality. With regard to sugar, the language held had been yet more ominous, and he did not see what the West-India interests were to expect but that their fate would be put off for a year. That indeed appeared to be the general understanding. Did hon. Gentlemen on the other side think these great monopolies could stand by themselves, great and powerful though they were? Formerly there was a most beautiful system of brotherhood among these monopolies, the one lending its aid and support to the other; there was a monopoly of corn, and of sugar, for the benefit of powerful people, there were powerful people interested in such monopolies as those of timber and copper, and numbers of smaller people dependent on such monopolies as those of shoes, and gloves, and straw-plat-making; turn on which side one would there was a group of little monopolies which surrounded the greater ones, and sheltered them from universal observation. Then comes the right hon. Baronet, the Augustus of his age, who is bent on erecting a fair city of free-trade, where a mass of monopolies formerly existed. At one blow he has swept away all these minor monopolies of timber and copper, and straw-plat and shoes, and exposed the producers of these articles to the competition of foreigners; and how long did they think that the corn and sugar monopolies would be permitted to stand, like Gothic deformities of hideous dimensions, in the midst of the open space created by the sweeping reform of the right hon. Baronet? The monopolists of those two articles were not so wise as the humble shoe-makers, and straw-plat workers, who had rallied round the Corn-laws at the last election; they did not see that whilst their neighbour's house was burning their own was in danger from the fire, and that their turn would come soon. He would not give them this warning of what awaited them if he thought it would put them up to mischief. He only said what he did because he was of opinion that a free-trade in corn and sugar was in the womb of time, and would soon be brought to light. The monopolists must swallow the alteration that the right hon. Baronet proposed to make in the duties, and they had better at once open their mouths a little wider and swallow a little more; and it would be well for the country as for the Government if the right hon. Baronet were to consent, instead of an Income-tax, to give the people a free-trade in corn and sugar. He looked upon the scheme of the right hon. Baronet as one of the most important steps that had ever been taken in finance; he knew of nothing that could be pregnant with more momentous consequences. It involved an entire change of character in our financial system. He had endeavoured to show, that that change would be of a prejudicial nature; he had stated his opinions in perfect good faith, and he trusted he had set out his arguments so as to convince the House that he had not taken up his opinions upon light or party grounds. If he had acted on his opinions strongly, he held them also sincerely.

Dr. *Bowring* said, as he intended to vote against the proposition of the right hon. Baronet, he wished to address a few observations to the House in explanation of that vote. In the first place, he was desirous of stating, that he was in favour of direct taxation, which in spite of its inconvenience was recommended as a great balance of advantage to the Treasury and to the public. No other system could be so equally apportioned to the means of the tax-payer, none was so fair in its demands upon all classes, none would bring so large an amount to the Treasury at so small a cost to the community. He meant of course that the tax should be equitably adjusted, in which case no final measure would be more calculated to afford the population of the country that relief which, under pressing circumstances, they had a right to expect. Indirect taxation was, to a very great extent, in the hands of the individual who was taxed. It depended upon the amount of consumption, and he who chose to abstain from the consumption of taxed articles might, to the extent of his abstaining, escape, however opulent, from the public burden. Direct taxation, however, had this evil—it put in the hands of the Executive Government a most despotic power, and created an instrument that could be but imperfectly controlled by public opinion when the tax was once set on foot. It invested the functionaries who collected it with an overbearing authority and influence, and before he vested the Executive with that authority he must see that the direct tax was levied in a fair ratio upon the property it attacked. He must have more security than he could discover in the proposal of the right hon. Baronet agaist vexatious inquisition. That proposal contained a principle than which nothing could be more unfair or unequal, for the tax was to press with the same exaction upon transitory property or income as upon that which was permanent and ascertained; it demanded the same amount from the man who enjoyed the revenue of his estate, or of his funded property, as from the man who was dependent upon his own exertions for all he possessed; it took no more from a perpetual than it took from a terminable interest, and made the accidental or hardly earned gains of intellectual labour contribute equally with the revenues derived from a constantly enduring source. The hon. Member for Liskeard was right when he said, that the right hon. Baronet had under-rated the produce to be derived from this tax, in an age like the present, so remarkable for the extension of its commerce, and the improvement of its science. The House of Commons, by affirming the proposed resolution, was about to place in the hands of the right hon. Baronet a far greater sum than he had calculated upon, a circumstance which he feared would lead to increased expenditure. He, for one, had seen with some satisfaction the Exchequer embarrassed by short receipts, and deficits, in so far as they led to care and economy in disbursements. Now, in the present case, he feared that the Exchequer would be replenished to such an ample extent, that all hopes of economy in the disposition of the surplus revenue would be destroyed. The right hon. Gentleman would find himself endowed with the means of doing a vast amount of mischief in his increased means for keeping up and perpetuating abuses, and checking the progress of reform. In the shape in which it was brought forward, connected in the public opinion with unfairness and injustice, it would have to struggle against a vast mass of unpopularity. Such a tax as the Income-tax might be borne in the excitement of war, but in a period of tranquillity it would be met with a greater amount of resistance than the right hon. Gentleman calculated upon. Yet when once this tax was imposed, this power created, he greatly feared that hereafter the proposal of making 1*d.* or 2*d.* in the pound addition to the direct taxation, would be found so simple and unembarrassing, that a property-tax might become a permanent measure. Nothing, when the machinery of collection was created, could be more attractive to a Finance Minister, than to strain the cord a little tighter, and so to add to the Treasury receipts. When they recollected how the *impôt foncier* in France had been increased by the addition of an occasional centime once now and then, he thought the House ought to pause before they sanctioned the resolution proposed by the right hon. Baronet. There was another feature of the proposal upon which he looked with considerable alarm. The right hon. Baronet was about to open the flood-gates of immorality upon the country. There was such a general conviction that the tax in its present shape was most unfair and unjust, that every means would be used to evade it. False statements and declarations would be made, perjury would be committed, and this vice would be greatly increased by the feeling that all dishonesty was excusable which enabled the aggrieved to get rid of a part of their grievance. But were there no other, and more fitting subjects of taxation? He wished to know, why a legacy duty had not been imposed upon real property? That would have been a just and equitable measure. With respect to the other part of the financial scheme, he acknowledged that the tariff of the right hon. Baronet was an admirable step forward in the way of commercial liberty. There certainly were some parts with which he did not concur; but, on the whole, he felt grateful to the right hon. Gentleman for having removed many serious impediments that had stood in the way of the commercial prosperity of the country. He had, however, seen with regret, that some of the articles of interchange between this country and France, had been left untouched, and he wished the plain advice of Mr. Deacon Hume had been followed out, that we should do what was right in itself, and what our own interests demanded, without reference to what foreign nations might think or do. The duties on brandies and silks from France ought to be reduced, not for the benefit of France, but for the benefit of our own people; that on silk should not be permitted to exceed what the act of Parliament intended, which was 30 per cent, while, in reality, it frequently amounted to 60 per cent. in consequence of the very unfair valuation which had been attached to the foreign manufacture, by the reduction of the *ad valorem* duty to a specific charge per pound weight. But he was glad to see that we had acted in a mutual spirit towards Tuscany, to whom we owed much, and which had set the example of free-trade within her limited sphere. But we ought not to continue the import duty on cotton. It was an error to tax any raw material, and especially one so important to our manufactures as cotton wool. The proposed duty on the export of coals, he anticipated, would be a failure, and that it would be injurious to a great extent to the shipping interest. The competition in which we were engaged with Belgium was very severe, and he feared the proposed tax would destroy a great part of our trade in coals. He thought, also, that the right hon. Baronet might remove the duty on clay exported. This was a new and a pernicious experiment. He rejoiced, that the right hon. Baronet had relieved from burdens many articles of great importance to the labouring classes, but the right hon. Baronet still most injudiciously retained the duties unaltered on butter and cheese. In conclusion, he admitted the advantages of the tariff; but accompanied as it was with an Income-tax, which was encompassed with so many evils and difficulties, he could not reconcile his mind to the financial scheme as a whole, and should therefore vote against the motion.

Mr. *S. O'Brien*, as he was about to give a vote differing from that which many around him were prepared to give, felt he was called upon to state the reasons which had induced him to give a vote upon this occasion in opposition to those with whom he had usually acted. He had been long enough in that House to hear Members on both sides of the House state that nothing could be more just in principle than a property-tax if properly arranged and enforced. On the present occasion, though the proposition was for a tax upon income and not on property, the principle of the tax was not arraigned as unjust, yet he had heard many express an intention to oppose the proposition of the right hon. Baronet. He was at a loss how to account for this opposition, more especially as Sir Henry Parnell, a Member of a Whig Ministry, and a gentleman who had written ably upon financial subjects, had stated distinctly that in a time of war there should be a property-tax imposed, and in a time of peace it should be reduced to a small tax proportioned to the wants of the Exchequer and the emergency of the times. It had been stated upon his side of the House as well as on the Ministerial side, that an Income-tax should be reserved for great occasions only. The question now seemed to him to be this, between the parties—had the exigency arrived? He confessed that he could not say that it had not arisen. The deficiency, taken at nearly three millions by the right hon. Baronet in our Exchequer and means for the service of the year was not controverted. It notoriously did exist. How was the deficit in the revenue to be made up? The Government of the noble Lord had proposed that it should be sought for in the reduction of the duties on the import of corn, of sugar, and of timber, and the increase of consumption occasioned thereby. With respect to the first the House would recollect that if they were to rely upon that part of the plan of finance they would be exposed to disappointment as to duties on corn, whenever there happened to be a good harvest in this country, for when the price of corn was low there would not be a penny levied in the shape of duties upon the import of corn. It was not likely in respect to the duties expected to be raised upon the increased consumption of sugar and of timber,—he saw no reason to believe any such increase would or could afford a revenue equal to the purposes of the right hon. Baronet. If the price of sugar were lowered, it might and would increase the consumption of it; but the article was already so much lowered by means of the competition in the market of sugar from foreign growers, that there was little chance of any material increase of revenue from that source. Nearly the same objection would apply to the expected increase of the revenue from the reduction of the duty on timber; although it must be acknowledged that reduction was highly desirable for the sake of the consumers here. It had been said, that within the last twenty-five years not less than 26,000,000*l.* of taxes had been remitted; and it might have been added that it would be hard to find one out of that great amount which the public would suffer to be re-imposed without strong complaint. But confining himself to the admitted deficiency in the revenue, amounting to 3,000,000*l.*, he would ask what was to be the tax which any hon. Member would revive to repair the deficiency of the revenue? Would they revive the postage duty, and give up a boon so valuable in the eyes of a great portion of the public? Would they suffer the house duty to be revived? Nothing could be more unpopular than that impost, and a rebellion might almost be expected to follow upon the revival of that or of the beer-tax. The latter was a tax directly affecting the poor, who, as far as election influence went, was the party unrepresented in that House. The right hon. Baronet knew the difficulty of his situation, and he had entitled himself to credit for his conduct in generously resolving rather to incur the odium of a renewal of the Income-tax, leviable on persons of property, than impose a tax upon the poor. The right hon. Baronet had not attended to the recommendation of the hon. Member for Lambeth, to throw all the burden upon the land; and although surrounded by temptations, including the project to raise a revenue by a duty upon all heirs of property on their accession to such property, he had thrown them all aside, and proposed a tax which was just, and could be hardly objected to even by those whom it affected. He trusted, however, that in carrying out his principle the right hon. Baronet would take into consideration the sound objection made to the scale and to the mode of enforcing and collecting the tax. He hoped the right hon. Baronet would not insist on taxing the profits of trade or professional incomes in the same proportion as incomes permanent or derivable from land. The measure was certainly improvable in its details, and taking it as a whole finance measure it should have his support. In the most ample manner he begged to return his acknowledgments on the part of the Irish nation for the proposition to take a proportionate duty upon the amount of their property who being large proprietors in Ireland chose to reside in another country. From absentees of this class it was but fit and right that the deficiencies in the yearly revenue should be replenished. They ought to be forced to return and reside on their estates, or pay for their indulgence in residing at a distance from the proper spheres of their usefulness. He thought the right hon. Baronet had acted wisely in resolving not to apply the Income-tax to Ireland. He believed the tax, whilst it would be extremely unpopular there, would yield a revenue very little exceeding the expenses attendant upon its collection. With respect to the taxes on stamps in Ireland, they had not the details of the right hon. Baronet's plan before them, and upon that part of the scheme he would not now give any opinion. To the proposition of the increased shilling a gallon upon Irish spirits he saw no objection. He thought of all other articles spirits were perhaps the most fit for taxation. There was, however, a danger that the addition to the duty would have the effect of increasing smuggling, and thereby defeating the right hon. Baronet's intention of raising an addition to the revenue by this means; but of that the right hon. Baronet would be the best judge. If any parties had a right to complain of this part of the scheme, he thought it was the Irish distillers. They, however, obtained some advantage by the abolition of the drawback on Scotch spirits, which relieved them in some measure from the competition they had now to contend with from the Scotch distillers. There was another part of the right hon. Gentleman's scheme which he did not consider was equally free from objection—he referred to that in which it was attempted to raise a duty of 4*s.* per ton on the export of coals. Such a duty, he conceived, would injure the trade in that article to a great extent. It had been objected by several of his friends around him that the right hon. Baronet had introduced a new and erroneous principle into his commercial tariff—viz., that of affording protection to our colonies. In that objection, he, for one, could not concur. He thought our colonies should be treated as other parts of our empire—as counties of England. Acting on this principle, it might be said that no duties ought to be levied upon colonial produce at all, but inasmuch as they exempted the colonies from taxation for the purposes of the mother country, it was but far that a moderate amount of duty should be placed upon their produce imported into this country, but that duty should be fixed at the lowest rate, and most certainly below that levied upon foreign productions. In the case of sugar, however, as he had already said, he thought the differential duty was too high. It was with great pain that he felt compelled, in the present instance, to separate himself from those political friends with whom he usually acted: but he should hold himself unworthy of a seat in that House if he rejected a proposition which he considered good in itself merely because he differed in opinion from those who brought it forward. Reserving, therefore, to himself the power of voting for any amendment which might be proposed in respect to the tax upon incomes arising from trade, professions, and terminable annuities, he must say, that he felt unable to concur in the negative which had been moved.

Mr. *R. Palmer* said, that the speech which had just been made showed that the hon. Member for Limerick had fairly considered the subject without reference to party views, and he had come to the conclusion that, as a man of honour, he could not, under the existing circumstances of the country, do other than support the Government proposition. No one could entertain a greater dislike to the principle of an Income-tax than he had. He felt the whole inconvenience of such a tax, and that it was open to many of the objections which had been stated against it by the other side; but the necessity for some great exertion on the part of the country had arisen, and he thought the plan brought forward by the right hon. Baronet at the head of the Government was, under all circumstances, of all others the most likely to relieve the country from the difficulties under which it laboured. The hon. and learned Member for Liskeard had expressed surprise that the right hon. Baronet, on introducing his plan, should have thought it necessary to allude to the misconduct of the late Government in having produced the present financial embarrassments. He should have been much surprised if the right hon.

Baronet had not alluded to that which was in everybody's mouth. On every side it was asked how it was that the late Government, having been in office ten years or more, having had a surplus in hand to commence with, should have permitted that surplus to decline from year to year until it had wholly disappeared; and not only this, but that they should have gone on in the same course until they found themselves in a deficiency of seven millions and a half at the end of last year, and which they were assured would be increased to ten millions by the end of the present financial year. This growing deficiency the late Ministers while in office had not had the spirit to meet, and now they contended that no case of necessity had been shown for the measure of the right hon. Baronet. Why, was not the fact that that deficiency would have amounted to ten millions by the end of the present year a sufficient case of necessity? If this was not a case in which the country at large were called upon to make a great exertion to relieve themselves from these difficulties and embarrassments he knew not what was. He was quite aware that there was no tax more unpopular than an Income tax. The inquisitorial mode by which it must be assessed was most objectionable; but the right hon. Baronet had stated, if he had understood him correctly, that it was his intention to afford an opportunity to those persons who might think fit to avail themselves of it to compound for the tax for the whole period for which it was to be imposed. This would be a material alleviation in the hardship of the tax upon those who would have to pay it. It had been urged that the tax would bear unequally, and that it was not just that persons deriving their incomes from fixed annuities, or from the profits of trade or professional labour, should be taxed at an equal rate per cent. with those whose incomes arose from funded property or from landed estates. He might in this respect differ from many hon. Gentlemen near him, but he must confess that he was himself inclined to that opinion. He agreed generally in a statement that had been made in another place upon this point, and he thought it would be more fair that those who possessed real property, or property in the funds, should pay a larger per centage than others. He believed that such an amendment, if consistent with the views of the right hon. Baronet, would remove much of the unpopularity which must otherwise attach to the measure. He could not pretend to set up any opinion of his as worthy of attention upon matters of finance; but he would venture to make a suggestion to the right hon. Baronet with all deference. He believed the right hon. Baronet calculated upon obtaining 1,200,000*l.* from the tax upon incomes arising from professions and trades. Now, supposing that the right hon. Gentleman should consider it fair to tax the class of contributors from whom he calculated to obtain that amount of revenue, 2 instead of 3 per cent. upon their incomes, he did not think it would be impossible to make up the difference thus occasioned in some other way. There were some items of reduction in the proposed commercial tariff which need not, he thought, be followed out. For instance, he did not see that so much advantage could result from the proposed alteration in the timber duties as some persons expected from it. The right hon. Baronet proposed to give up upon that item alone 600,000*l.* of revenue, which sum would more than compensate for the difference of one-third in the Income-tax upon professions and trades—viz., 400,000*l.* An amendment had been given notice of to exempt the class of contributors to which he alluded altogether from the tax; that would, in his opinion, be most unfair, for he saw no reason why large incomes arising from trades and professions should not bear their proper share of the burdens. Admitting the objections to an Income-tax, he did not consider that it had been shown how the amount of revenue necessary to meet the deficiency could be obtained in any other way. The late Government had proposed a fixed duty of 8*s.* upon the introduction of foreign corn, as a means of adding to the revenue. The fallacy of that plan as a means of meeting the difficulty had, he thought, been already sufficiently shown. Both Parliament and the country had expressed their opinion decidedly against its adoption. Under the circumstances, he saw no alternative but to adopt the principle now proposed by the Government, and he was quite sure that the country would be willing to submit to such an imposition for a time only, for he had strong hopes that at the end of the three years stated by the right hon. Baronet we should find the finances of the country in such a situation as would justify the removal of the tax. He would only further express his opinion, that whatever amount of unpopularity might attach to the measure it ought to fall upon those who had occasioned the deficiency, and who, he was sorry to perceive, by the course they were now taking, were not prepared to assist their opponents in their attempts to remove those difficulties which they had thereby created.

Mr. *T. D'Eyncourt*, objected to the proposed measure, as operating with gross partiality against the manufacturing and commercial interests of the country. The right hon. Gentleman had said, there was no other resource by which to meet the present financial difficulties, but had the measures of the late Government been adopted, those difficulties would, ere this, have been overcome. He objected to the measure also as conveying the impression to foreign nations that the resources of the country were exhausted. If the resolution should pass, he should take the opportunity of moving that a considerable reduction be made in the rate at which it was proposed to assess incomes arising from trades and professions. What he proposed was that, instead of a duty of 7*d.* in the pound, a duty of 2*d.* in the pound should be levied on the income of those engaged in trades and professions. He thought that this arrangement would more nearly meet the justice of the case than the proposition of the hon. Gentlemen who had just addressed the House. Had they adopted the scheme proposed by the late Government, or had they, out of the 26,000,000 of taxes repealed since the war, had recourse to some other tax which might have sufficed to supply the deficiency in the revenue, without resorting to this impost, which pressed chiefly on the manufacturing and trading interests of the kingdom, no income-tax would have been necessary. He had received letters from some of his constituents, expressing fear that they would be subjected, on account of their political opinions, to vexation and annoyance, if this tax should be finally adopted; for the effect of it would undoubtedly be to bring them to a greater extent under the control of the Government. Of this he did not entertain the slightest doubt. The right hon. Baronet had not given sufficient time for the consideration of this question. The forms of the House did not permit an appeal to the country to come forward and state their own views, and therefore more time should have been given in order to enable the country to hold meetings for the consideration of this subject. The right hon. Baronet said, that ample opportunities would be given for the discussion of this question when the resolution now under consideration of the House should have been passed. That was perfectly true; but the right hon. Baronet knew, as well or better than he did, that after the House had come to a division on this question, and hon. Gentlemen had given votes affirmatory of the present resolution, it would be found very inconsistent with public duty to act in opposition to votes so recorded. On the contrary, he feared that hon. Members would rather feel inclined to justify that vote, whatever might be the remonstrances urged upon them by their constituents. For that reason he wished that more time should be given. He asked the right hon. Baronet, considering the great secrecy which he had observed with respect to his scheme, and for which he did not in the slightest degree blame him—considering the very peculiar nature of this tax, whether he would not be charged by the country with having acted with haste—he would not go so far as his hon. Friend the Member for Monmouth in calling it indecent haste—in not allowing a little time before taking the first vote; for there was an impression, it would include the question. Having thus stated his opinion, he hoped that the right hon. Baronet would give a little further time for discussion. At all events he hoped that hon. Gentlemen who might be induced to vote in favour of this resolution would not be deterred by any fears that they might be open to the charge of inconsistency from changing their course, when they found the country opposed to the scheme. Considering the inequality with which this tax pressed on industry, although he was not without hopes of some relaxations in favour of the mercantile interest, considering the effect which it would produce in foreign countries, considering its inquisitorial nature, and all those disadvantages to which he had adverted, together with the impolicy of resorting to a tax of this nature unless in the case of war or some emergency of an extraordinary nature, he should give his most decided opposition to the passing of the present resolution.

Sir *J. R. Reid*, did not hesitate to declare that the business of the country was impeded in consequence of the delay of that House in coming to a decision upon the proposition now before it. Entertaining that view, he should not follow the example set him by the Gentlemen opposite of going into a tedious discussion of the question. At the same time he might be permitted to say that, although he disliked the paying of taxes as much as any man, he yet thought that under the existing circumstances in which this country was placed, a measure of the nature now proposed had become absolutely necessary, and with that opinion upon the subject he should reluctantly give his vote in favour of the right hon. Baronet's proposition. He begged to avail himself of that opportunity of paying, what he thought, only a just compliment to the hon. Member for Limerick (Mr. W. S. O'Brien) for the honest and manly manner in which he had spoken on that occasion, and he must add that it would be peculiarly gratifying to him if the example set by the hon. Member for Limerick were followed by many others of the Gentlemen who sat on the opposite side of the House. That he was a party man to a certain extent he did not deny; but, at the same time, he was as independent of the right hon. Baronet (the First Lord of the Treasury) as any hon. Member who sat on the opposite benches. He was connected with the commercial interests, and although he could enumerate certain objections to the right hon. Baronet's plan, he did not hesitate to declare it was the opinion of the great majority of the commercial interest that the course which the right hon. Baronet had adopted was one which would carry him triumphantly through the difficulties in which he found the finances of the country involved. He might be set down as a sanguine man, but he had no hesitation in declaring that his firm conviction and belief were that if the right hon. Baronet did not flinch, which he trusted from his heart he would not, in the course of three years, or perhaps before that time, it would be found hardly necessary to continue the tax which they were then discussing. Having expressed that opinion, he would not detain the House at greater length. He was a man of business, and, therefore, came to the point. With the right hon. Baronet he would vote, be the consequence what it might. He hoped they would put the question to the test that night. He felt that they had lost a deal of time unnecessarily. The question had been discussed over and over again. The trade of the country had been languishing whilst the House had been discussing. Let the question be finished that night, and he would stake his existence that all those connected with the trade of the country would have no reason to regret it.

Mr. *Ward* said, that the hon. Baronet who had just sat down had made two most important admissions—first, that he, representing a large body of commercial men, would pay the proposed tax with great reluctance; and secondly, that there was a reasonable probability of the tax being continued beyond the term proposed. The hon. Baronet said three or four years.

Sir *J. R. Reid* said, that he had stated, that it would probably end within the term proposed,—namely, three years.

Mr. *Ward* thought the hon. Baronet had said three or four years, but since he had not, of course he would make no use of what he conceived to have been an important admission. But the hon. Baronet said, that under any circumstances the Government might count upon his support, and that of the whole Conservative and electoral body, upon this question. He (Mr. Ward) much doubted it. A great many of the hon. Gentlemen opposite would tell them that they believed they would have made a much better bargain if they had taken the Whig budget of last year with the fixed duty of 8*s*., instead of being obliged to take a modification of the sliding-scale, with an Income-tax on the top of it. He had recently heard it admitted by many of his political opponents in his own county, that there existed throughout the country a general conviction that the Whig scheme was a better mode of arriving at the same results, and making up the deficiency, than the proposed tax on income. There were, however, a great many of the arguments employed against the Income-tax, with which he could not agree. It was said to be a War-tax, and this was used as an argument against its adoption in time of peace. He did not consider it to be a War-tax at all. In his opinion it was a tax arising out of necessity, whether that necessity arose out of war or not. And as to the idea of an Income-tax lowering the character of this country in the eyes of foreign nations, such an argument was not worthy of their consideration for a single moment. Foreign countries were much more familiar with the system of direct taxation than this country was. They did not know all the mysteries of the indirect taxation of this country—what they did know they did not approve of, and preferred, as being more just, a system of direct taxation. It had been argued by the hon. Member for Liskeard, that if they taxed property they would tax the labour employed by it; while they taxed nothing but a man's luxuries, when they taxed his expenditure. But in this country they did not tax a man's luxuries only—they taxed his wants and necessaries by indirect taxation. The hon. Member for Ashton had, last year, made a calculation of the amount which the working classes paid in indirect taxation. He had the calculation in his hand, and with the permission of the House he would remind them of what the hon. Member then stated. The hon. Member had made his calculations on data obtained from a practical person engaged in the retail trade in the city—on two ounces of tea, such as that used by the working classes the purchaser paid a duty of 3½*d.*, the price being 6*d.*; on one pound of sugar he paid of duty 2¼*d.*, and a price of 6*d.*; on two ounces of coffee 2½*d.* of price, and 1*d.* of duty. On other articles in general use among the working classes he found an amount of duty out of a purchase amounting to 1*s.* 7*d.* of 8*d.*, while out of a similar purchase amounting to 16*s.*, of articles used by the more opulent classes, the duty paid was only 3s. 8*d.* The duty paid by the better classes in articles purchased by them, was only 23 per cent., while the poor man paid 2½*d* of duty to the Government out of every 6½*d.* he expended. On almost every other necessary of the poor man—on beer, spirits, soap, tallow, butter, and cheese—the same amount of indirect taxation was laid, and all this the labouring man had to provide for out of wages which competition was constantly cutting down. Had he to choose between a property-tax of 3 per cent., or even 5 per cent., and such a system of indirect taxation as this, he would prefer the property-tax; but the proposed Income-tax was not a tax on realised property, on profits derived from stocks, and funds, and land. It was a tax on the mind, the hand, and the head; and it could only be enforced by a process at once so inquisitorial, partial, and unjust, that he could not bring himself to vote for the resolution before the House, while there was another mode equally effectual, and infinitely more beneficial to all classes, of providing for the public exigencies. Admitting, too, as he did, that the tax was not a War-tax, still it was a change in their financial system, which ought to be purchased by the Government, that asked for it by very large concessions in the way of commercial reform. He acknowledged, that the speech of the right hon. Baronet opposite, in introducing the resolution was one of great merit, one which made clear to their comprehensions a subject of the most complicated nature; but when he compared the principles laid down in that speech with the details of the tariff, he very soon discovered, that those principles were not at all fairly worked out. Almost every one had been struck at the omission in that tariff of any alteration of the duty on two great articles of consumption, Sugar and Corn, and even up to that moment he had not been able to discover the concessions which the right hon. Baronet stated would enable the consumer to pay the amount of the Income-tax out of the saving made by the tariff in certain articles of common consumption. The duty on all the prime necessaries of life was left untouched, and no effort had been made to reduce the duty on any of those articles used by that class whom hon. Gentlemen opposite professed themselves anxious to relieve. He doubted whether the reduction of the duty on the importation of foreign cattle would prove of any material or immediate benefit to the working classes. Where was the supply to come from? In no country was meat so scarce, or of so bad a quality as in France, and the only country now exporting cattle was Holstein. The cattle to be imported on a large scale were, he believed, yet to be bred, so where was the saving in meat so confidently anticipated? As he had already said, the Income-tax would press heavily not only on the different trades, but on all those who were struggling to keep up the appearances necessary to reach professional distinction. When he looked to the state of trade in Sheffield, where not a firm had made anything like positive profits for the last two years—where all that they had been able to do was to keep things together—he thought that to saddle those people with an Income-tax on imaginary profits, or on profits based on false returns, with all the inquisitorial grievances connected with the tax—to do this without giving them some corresponding and immediate relief in the shape of reduction of the duty on general articles of consumption, was an act of great injustice, to which he could never give his consent. In its new financial plans, Government ought to have held the scales with an equal and unflinching hand—they ought not to have sacrificed one interest because it happened to be weak, or have dealt tenderly with another interest because it was strong. Had the right hon. Baronet opposite dealt fairly with all classes he should have had his cordial support. The right hon. Baronet had not done this, he had truckled to those interests which he did not dare to face, and he had done so with a perfect consciousness in the injustice which he was committing. The only passage in his speech introducing the financial measures for the year, in which the right hon. Baronet flinched, in which he showed that he felt himself in the wrong, was when he referred to the sugar duties, and stated his determination of retaining that monopoly for another year. The right hon. Baronet had talked of the encouragement which would be given to slavery by the admission into this country of foreign sugar, but in almost the same breath he told the House that he was prepared to remove the restrictions on the slave-grown coffee of the Brazils. This was an anomaly which could not be justified, and which fully bore him out in saying, that the scales had not been held with an unflinching hand, and that the community had been deprived of great benefits by the tender regard which the Government had shown for the powerful class interests in the state. Had they dealt fairly with the duty on the food of the country—had they shown that free trade was for the interest of every one—had they revised and altered the tariff equally throughout, and then proposed an Income-tax — he felt sure that there was not a Member on that (the Opposition) side of the House who would not have submitted to the inconvenience of such an impost on such conditions. He, for one, would have assented to it on these terms; but he could not agree to it now, because he considered that they had no equivalent offered to them. They had a right, therefore, to look back to the harsh and intolerable accompaniments of the tax, and to point out, and dwell at length on, the grievous burdens which it would impose on every person in trade. He should continue to do so as long as the bill was before the House in its present shape, and unless the Government came forward and expressed its readiness to concur in the attempt to remove the inequalities of the bill, he did not think that the right hon. Baronet, the Member for Tamworth, had any right to complain of the time devoted to this most important discussion, or of the opposition made to it from both sides of the House. He trusted, that that opposition would be confined within Parliamentary limits; because he did not think any benefit could arise from their carrying resistance beyond those bounds which it was the interest of all parties to respect. For the reasons he had stated, he would vote against the resolution, and, should it be carried, he would feel it his duty to support the amendments which would be made in committee to amend the objectionable parts of the measure, and he was only sorry to understand that certain Gentlemen opposite were determined to support the propositions of the Government without discrimination, and to carry them by sheer numbers, without taking the trouble to enquire whether what they did carry was founded on justice or not.

Mr. *M. Attwood* said, this was a measure which had never been proposed except during the pressure and the prosperity which accompanied the period of the French war. He did not think that they ought to hurry this question forward, but that it ought to be considered in al its bearings in the most deliberate manner. He thought that time ought to be given, enough and more than enough, to the people themselves, that they might have the opportunity of considering the bearing of the question upon their interests, and communicating their feeling to their representatives and to that House. He thought that more consideration than this measure had received would be beneficial to her Majesty's Ministers themselves. He could not but think that on more mature deliberation, a modification might be made in the application of a most unjust principle as it was proposed by this measure. To apply to the doubtful profits of trade—to the precarious incomes of professions—to annuities which terminated with lives, or in a short period, the same rate of taxation which was imposed on the owners of fixed property and of permanent annuities was manifestly unjust. He confessed he had heard with surprise from the right hon. Baronet that it was the intention of the Government to impose on short annuities the same amount of taxation that was to be imposed on permanent annuities. He would not enter into details, but would state one particular case which he thought the right hon. Baronet would not hear without perceiving that it was necessary to consider deliberately whether that principle was to be carried out to its full extent. He was himself a partner in a trading concern, (he referred to the case not for that trivial object, but because he could state the case with perfect accuracy), and he and his partners were the purchasers of an annuity from the Government in 1835 for ten years. The amount of that annuity was, in round numbers, 21,700*l.* a year, and it would expire in January, 1845, having somewhat less than three years yet to run. Did he and his partners carry that 21,700*l.* a year to their account as permanent income? No, they accurately discriminated what was capital and what was income; 6,000*l.* was the annual sum they divided amongst themselves; the balance, 15,700*l.*, they carried to the account of capital. Was it just then that they should be taxed on more than the 6,000*l.*? And yet by the proposed measure they were taxed for the capital as well as for profit. Unless they (the Government) meant to tax the capital of the country, they (Mr. Attwood and his partners) objected to having their capital taxed. Would they tax the purchase money, for which an estate had been sold, as well as the annual rent? He would put the case of a man who had a mortgage of 20,000*l.* on an estate, and he received the principal in the course of the present year, and 1,000*l.* interest with it, would they tax the principal with the interest or the interest alone? He was at a loss to understand the principle on which they (the Government) taxed both interest and capital in terminable annuities such as he had described. His belief was, that if the Government should proceed to impose this tax not only on the 6,000*l.* income, but on the 15,700*l.* of capital, that he would have a right to call on the Government to reimburse them the 3 per cent. paid on the capital. They had purchased the annuity from the Government on the authority of a condition of sale which explained what the Government had to sell. The consideration given to the Government was 200,000*l.* of perpetual Bank annuities for this terminable annuity. The conditions on which they had sold the property was, "that it would not, nor should not be liable to any other imposition than what the Bank annuities should or would be liable to." This was one of those cases which showed the necessity for mature consideration. He believed, that they should have a claim on the Government as sellers of this property, under these conditions, to indemnify them for the imposition which Parliament imposed on them to the extent of 3 per cent. on their capital so laid out. If they had still held their Bank annuities which they had transferred, they would have been liable to the duty of 3 per cent. on the interest, which was 6,000*l.* a year; and their conditions of purchase were that they were to be free from all taxes and charges except such as devolved on Bank annuities. He thought if the hon. Gentleman (the Attorney-general) were present, they should not hear from him there a different opinion to that which he (Mr. Attwood) expected to hear from him when he should lay his case before that learned Gentleman for his opinion. He did not expect to hear other than this, that he had a claim on the Government for indemnity under these conditions of sale, and might probably succeed. He had referred to this case in order to show the necessity of considering in every way all the bearings of this question. But while he urged these matters for the consideration of her Majesty's Government, he was prepared to say this, that whatever course her Majesty's Government should adopt, if they should adhere to the present measure as proposed, on the ground that they could not draw a line to exclude a particular class of interest without rendering the tax unproductive, he should give these resolutions his support, and yield to the necessity of supporting his political party. He should yield to the appalling necessity imposed by the distressed and almost bankrupt condition of the country. But when he said that, he felt himself bound to say, that there were other parts of the scheme of taxation brought forward to the support of which he would give no such pledge. He would not give any pledge to support either the imposition of the duty on the exportation of coal, or the reduction of duty on the importation of timber. On both these measures he should wait for further information to guide his conduct; and with regard to the timber duties, he was at once prepared to say, that if in the judgment of the Canadian Colonists themselves, and of the shipowners engaged in the Canadian trade, the operation of the proposed change would be, to transfer the supply of timber from Canada to the Baltic ports, to sacrifice the capital embarked in the Canadian timber trade, to throw out of employment that fleet of 1,000 merchant vessels now occupied in this trade, and the 16,000 seamen by whom they were navigated; no considerations of party attachment, would induce him to support that measure; nor any measure, at any time, or by whomsoever proposed, the aim or effect of which would be, the destruction of a great branch of British industry, in favour of foreign competition, and in pursuit of vague speculation and doubtful advantages. In supporting the income duty, he yielded to that necessity on which the right hon. Baronet rested the measure. He had heard with painful attention that appalling description of the condition of the country and its resources, which as the result of his long and anxious examination the right hon. Baronet had given. He heard with alarm that averment, made then for the first time to a British Parliament by any Minister standing in the position the right hon. Baronet occupied; that taxation in this country had reached its limits, in the consumption of the people; that the power of consumption was exhausted; the information, then for the first time given, that an attempt to raise 1,900,000*l.* by the Excise and Customs had yielded no more than 200,000*l.* to the Exchequer, affirming, in other words, that increased taxation on articles of necessity and comfort, failed to replenish the Exchequer, and was successful only in carrying destitution, retrenchment, penury and want, into the dwellings of the people. This was the condition to which the country had arrived; for if 1,900,000*l.* of taxes on general consumption yielded but 200,000*l.*, the necessary inference was, that the people had been driven to meet the attempt to raise 1,900,000*l.* on the articles they consumed, by a reduction of consumption to the full extent of the defalcation. But after the right hon. Baronet had thus described the condition of the country, a description which he (Mr. Attwood) had never expected to hear from his lips, he confessed that no words which ever fell on his ear had excited deeper feelings of apprehension and alarm, none more disastrous in his judgment to the prospects and fortunes of the country, than when the right hon. Baronet proceeded to say, that in this condition, he intended to propose new and great measures of commercial reform. Commercial reform! He (Mr. Attwood) could not hear these words without carrying back his mind, and he called on the House to carry back their attention, to the period when the career of power of the right hon. Baronet commenced, and that of his immediate predecessors, all commercial reformers, in whose steps he professed to tread. What was the whole amount of taxes paid by the country at the present moment when they were told that the powers of taxation are exhausted? 48,000,000*l.*: 50,400,000*l.* in expenditure; 2,400,000*l.* deficient. 48,000,000*l.* was the whole amount, the levy of which has exhausted the resources of the country. But in what condition did the authors of commercial reform find the country at the period when their schemes began? Not 48,000,000*l.* only, 80,000,000*l.* was the amount of annual taxes the people then paid, and the limits of taxation were not reached, 20,000,000 more if wanted could have been then raised. What had the late Chancellor of the Exchequer lately told the House, that 19,500,000*l.* had been since the war repealed, of Excise and Customs duties, (this authority he referred to futurity). There was a time then, and that recent, when 48,000,000*l.* was not the limit of taxation in this country, when the power of the people to consume was not exhausted, when not 1,900,000*l.*, but 19,500,000*l.* could be raised, and was raised, on the consumption of the people. He (Mr. Attwood) had indeed expected, from a great statesman taking on himself the power and the destiny of the country in this crisis of her affairs, acting up to the difficulties of that crisis, and looking the dangers of his situation fairly in the face, that after explaining to Parliament the existing condition in which he found the resources of the empire, he would have proceeded to contrast this weakened condition of all but frustrate power, with that high state of all but boundless resources, from which we have sunk; that he would have explained to Parliament step by step the history of this decadence of national strength, have traced the hidden causes to which he ascribed this fearful change, and have founded the measures of his future policy on this experience. That would have been to look dangers fairly in the face, the course now proposed was, to shut their eyes and turn aside from those dangers, and to occupy the House with every other question rather than that, to propose a further course of commercial reform under such circumstances, was to proceed in the hackneyed footsteps of every successive administration which had governed the country for the last twenty years, and that without inquiry. The whole period which had witnessed this decay of national resources was one long period of commercial reforms, all introduced with vaunting promises, all terminating in the miserable disappointments now experienced. The breaking down the navigation laws was commercial reform, the reciprocity treaties were commercial reform, the sacrifice of the Portuguese market in the vain hope of finding a substitute in France had been commercial reform. The silk trade had been subjected to, and been ruined by, commercial reform, a measure which he undertook to say had belied all the promises held out by its authors. The Currency Bill of the right hon. Baronet himself was a great measure of commercial reform. He found a currency, adapted indeed to the exigencies of the people, a currency, in which without difficulty eighty millions had been paid annually into the Exchequer, but it was faulty, it admitted of great fluctuations which it was necessary to prevent; a reformed currency took its place, and the fluctuations had been doubled in severity and in frequency. The law for framing joint-stock banks was commercial reform. The existing banks had grown up with the growth of the commerce, manufactures, and agriculture of the country, but they required reform, a better description of banks was necessary; and what were those committees, which for two successive sessions had afterwards sat with no other object than to protect the country from dangers feared from those joint-stock banks themselves, but further movements in commercial reform? All these measures had been introduced with boastful contrasts between the science of their authors and the ignorance of former legislation; and with sanguine and confident anticipations of unexampled prosperity and wealth. English industry, said a noble Lord in introducing one of these measures, they had found cramped and fettered by the trammels of a dark and barbarous legislation; his task it was to cut the cords which bound British commerce to the earth, and to cause it to soar aloft with an elevation and power of which till his time the nation had entertained no conception. He (Mr. Attwood) doubted if their Indian deficiency was not one of the fruits of commercial reform. If they had never interfered with the Company's charter, if they had left India under the control of that system by which our power in the East had been established, he doubted if there had been any Chinese war, probably no Affghan war, or any Indian deficiency. But charters of every kind were unsuited to the era of commercial reform. He recalled the attention of the House to that letter, signed by Mr. Huskisson, by the late Lord Liverpool, and by the Earl of Ripon, which told the country that the time had arrived when charters were out of fashion, that was the expression; they were, in sooth, the product of a dark and ignorant period, opprobrious to the enlightened science of existing legislation: the holders could not expect them to be renewed. Those recollections, he said, threw alarm into his mind, when he heard of further progress in commercial reform, in conjunction with the avowal they had heard of the distressed condition of the people and of the Exchequer. But it was just to say, that the right hon. Baronet who had described in such striking terms the distress in which, on his advent to power, he found the country, had expressed also that he anticipated a revival of national prosperity and power; his holding out the prospect of the proposed Income-duty being to terminate in three years must have been founded on that anticipation; the country, he said, had been subjected in recent years to violent alternations of prosperity and distress; he (the right hon. Baronet) had witnessed distress as severe and extensive as the present followed by a rapid and extensive prosperity. To this view of the subject he (Mr. Attwood) desired to call the earnest attention of her Majesty's Government and of the committee; he could have wished that the right hon. Baronet, who, guided by previous experience, predicted returning prosperity, had proceeded one step further under the direction of the same sure guide, and have told the House how long, still judging from former experience, he expected the coming prosperity to endure. Did he or did he not anticipate that the prosperity he predicted would be itself speedily superseded by another period of convulsive calamity and distress? The right hon. Baronet had not done justice to his own character or to the House in stopping short of this explanation; his whole scheme turned on it. Why hold out an Income-duty but for three years? Why, but that the restored power of consumption which prosperity would give to the people, would itself replenish the Exchequer, and enable the Income-tax to be dispensed with. But for how long? till the next alternation of distress. If this were the best prospect her Majesty's Government could hold out to the country, sure he was of this, that the first duty of Government and of Parliament was to direct their attention, not to the culling out a false delusion, and short-lived prosperity, which would terminate in the ruin of the productive classes, who relied and founded their undertakings upon it, but to consider what means they possessed of giving permanence to the existing condition of the people. What was meant by the terms distress and prosperity, as applied to the existing and recent condition of the country? Distress was neither more nor less, than the existence of a low rate of prices for the productions of industry; in other words, a high value of money. A scale of prices which allowed of no profit to the trader, no adequate wages to the labourer, and which, by taking away the power of consumption from both, impoverished the Exchequer; that was distress, and the degree of distress was accurately measured by the rate to which prices fell, to which money advanced in value. What was meant by the terms national prosperity? A high rate of prices, in other words a low value of money, a scale of prices adapted to the exigencies and engagements of the State and of the people, which yielded profit, and wages, and carried into the Exchequer a tide of resources, flowing from the increased power and wealth of the community; that prosperity would be measured accurately in its degree by the extent to which prices advanced, to which money was reduced in value. If these propositions were undeniable, as he did not expect to have them denied, then it followed that when men spoke of alternations of prosperity and distress rapidly succeeding one another, the thing meant was, neither more nor less than rapid, sudden, violent fluctuations in the value of money; the standard of value, the measure of contracts, the medium of circulation and exchanges,—these fluctuations carrying disorder into all pecuniary arrangements, violating all contracts, introducing injustice into all engagements of mercantile credit; into all leases, mortgages, and settlements. No curse so great could be inflicted on a civilized community, as the continuance of these fluctuations, or alternations as they were called, would prove. The first duty of Parliament, was to correct those fluctuations, to check those alternations; it was not looking the difficulties in the face, it was turning aside and shutting their eyes to these difficulties, to found measures of finance, on the anticipation of changes such as these. Why was a change to anticipated prosperity desirable? the existing value of money, though high, was no higher here, than in the countries around them, nor the prices of commodities lower; the existing value of money was that which corresponded with all their monetary laws; all interests were in danger, it was felt; but their standard, their monetary laws, the act of 1819, were safe; there was no danger to the Bank, no drain of gold from the country; the prosperity of the right hon. Baronet would put all these in danger, and would be inconsistent with the safe existence of their present monetary laws. Two courses, and two only were in his judgment open to them; one of which they were bound in honesty and in policy to adopt; the first was to maintain the value of money at its present existing rate, along with the existing scale of prices; to prevent the value of money from sinking again, and the general scale of prices from again advancing; to found their financial measures on the permanence of the present existing state of things; to call on the people also to consider their present condition as permanent; to bear, rather than to struggle against, or sink under their difficulties, as they were able; but requiring them to found all their arrangements on the certain permanence of existing prices, and value of money. Did they fear the issue of such an experiment? Another course remained open. Let the value of money take its predicted change, fall in value, prices of commodities advance, and anticipated prosperity take effect; but give permanence to that lowered value of money; to that higher scale of prices, and to the condition of prosperity, these would bring with them. Was he asked how are these to be done? Into that explanation the present was not the time to enter, but the means were ready and facile; he undertook to demonstrate to any man or set of men, where attention had been given to such subjects; to any committee or any commission; that they possessed the ready and facile power of maintaining permanently the existing value of money, and scale of prices; and further, that permitting prices to advance, and money to fall in value; they possessed the ready and facile means of fixing permanently such low value of money, such high scale of prices; and of preventing that prices should even again fall to their present scale, or to any thing approaching to such a scale in this country. Those courses were open, and one of the two was Parliament bound by every principle of integrity, and every dictate of wisdom and sound policy to adopt. Any other measure, founded as it must be on false motives, dictated by a temporising expediency, could do no more than procrastinate the period when the real difficulties of their situation must be ultimately met.

Mr. *Roebuck* observed, that the right hon. Baronet had not received that meed of approbation, either from friends or enemies to which he was entitled; he had been criticised by his own ranks, and those among his general opponents from whom support might have been expected had not realised expectation. He had brought forward a plan which to him appeared straight-forward, honest, and easy of comprehension; it could deceive nobody, and the country would understand it. It was intended to raise a certain revenue, and that the people should distinctly know in what manner they were to pay it; they were not to be cajoled or deceived, in order to obtain the large sum required. The deficiency was great, and was admitted, and two plans of supplying it had been stated. One was, that of raising the money directly from the community—the other was, that of levying it indirectly as a tax upon commodities. The first was the plan of the right hon. Baronet; the second was the budget of the late Administration. It was but justice to the right hon. Baronet to take this project as a whole, and he was not now going to fix upon any portion which he might approve or dislike, but to consider it as one comprehensive scheme. He would presently criticise it on various particulars, but in the outset he was bound to admit, that it was clear, straightforward, and honest. He did not think, that it lay in the mouths of those who felt with the right hon. Baronet regarding the deficiency, to criticise him for endeavouring to supply it. The deficiency existed, and neither side of the House was to be separately blamed: the fault was on both sides: it was not a Whig, nor a Tory, but a House of Commons deficiency. People might talk of the expensive war in Syria; but it was the war of both parties; for the increased expenditure both sides of the House were responsible. All were intent on spending, and nobody thought of saving; expenditure was the rule, and saving the exception. He would tell the House, the country, and the right hon. Baronet, that his chief reason for applauding the present frank scheme of financial reform was, that it could not fail to make people feel and understand at whose door to lay the blame. Hitherto the finances of the empire had only been tampered with, attempts had been made to botch the business, and to put a temporary end to the difficulties by artifices, that ought to have deceived nobody. He, therefore, thanked the right hon. Baronet for saying that he would no longer be a party to this paltry chicanery, for he told the people plainly, "I am not going to create a loan, or to resort to any other expedient by which your prosperity will be taxed, but I am going to tax you." The crime of deficiency belonged to the House—no man had denied its existence—no man had exaggerated its amount—no man had disputed that the money was wanted—and no man had asked for a reduction of expenditure. At the door of the House, therefore, lay the blame of expenditure and consequent deficiency. Then came the question, how it was to be met? Was the country prepared to pay the money in a direct straightforward manner, or was it willing to resort again to old contrivances, to tinker the difficulty, and, under the pretence of relieving commercial distress, add new taxes and increase prevailing embarrassments? By far the preferable course was that which was the boldest—to tell the people that the money must be raised, and to use only the short intelligible phrase "pay it." The hon. Member for Liskeard (Mr. C. Buller) had said, that the tax was likely to drive capital out of the country. He thought, that his hon. Friend had aspired to the character of a political economist. What could be the difference as regarded capital, whether the money were taken in one way or in another, directly or indirectly? The effect must be the same, if the people had to pay the money, no matter in what way. If taxation would drive capital from the country, the evil would not be diminished by making taxation indirect. But his hon. Friend had added, that it was dangerous to let the people know how much they paid. Did this sentiment come from a representative of the people? from a Member sitting on the Liberal side of the House? Did it come from one who professed to have great faith in the fitness of the people to govern themselves? Was he to erect himself into a sort of high priest of finance—to appropriate all the good things, and say to the people—"Be blind, but have faith?" Was that the course which ought to be pursued? No: he thanked the right hon. Baronet for stepping forward with a plan which could not fail to let the people know exactly what they had to pay. He now came to the charge against the right hon. Baronet, that the mode in which he required the people to pay was an unfair one—that though a direct tax was certainly the best, the mode in which he intended to impose it was most unfair to the middle classes. He agreed in that accusation, and he would add another item to the force of it. The charge he brought against the House was made more obvious, was shown in broader daylight, and rendered more salient, by the present proposition than by any plan of taxation. First, the House of Commons had commenced by preventing an alteration of the Corn-laws. That was a tax upon the community for the benefit of the landowner; it put a large sum into the pocket of the land-owner; and then came down the right hon. Baronet to tell the House that there was a large deficiency which must be met, and that he would meet it by a tax which spread over landed property, funded property, and what, for the sake of shortness, he would call income. Having first taxed the people for the benefit of the land-owner, and thereby having put a considerable sum into his pocket, the next process was merely to call upon him to pay back again the money he had received. Thus, in fact, land-owners paid nothing, and the whole burden of the tax fell upon the rest of the community. He did not blame the right hon. Baronet for this course; he had done all he dared, and had done better than his political adversaries would have done. But the present Ministers were wise in their generation. "We will not tax the people (said they)—we have great regard for the poorer classes;" and so they robbed what was considered the Liberal side of the House of the grace it might have gotten by a pretended considerateness for the necessities and sufferings of the poor. But even the poor had been taxed indirectly in their corn. The land-owner was, in fact, relieved from all payment, and the fundholder and the intellect of the country was additionally oppressed in order to make up the deficiency. When the subject was looked at fairly and impartially, it would be seen that the land-owner was wholly exempted from bearing any portion of the weight of public burdens. Dismissing the tax upon the fundholder, he (Mr. Roebuck) came to what he must consider the deep injustice of the scheme, an injustice which the right hon. Baronet must himself feel, and which he was only prevented from admitting by the sort of Friends he had about him. What was the proposition? To tax fluctuating income in the same proportion as that which was permanent. The injustice was so flagrant, so outstaring, that it was impossible to exaggerate its deformity. A man might earn 300*l.* a year by hard labour, either of body or mind, and was required to pay just as much as a man who literally did nothing for the same income. He who toiled for his bread, and whose family depended upon his toil, who might be deprived of health, and thus be deprived of food, he might die and his family might starve, and yet he was to produce just the same sum as a man who was the owner of landed and permanent property to the extent of 300*l.* a year. The difference was palpable and appreciable, yet the right hon. Baronet said that he could make no distinction. He must know better; he must know that he could make a distinction, and that in the market it was well understood. The difference between the owner of funded property, and of a man who gained as large an income by toil of any kind was just the difference between a life interest and perpetuity. He might go into the market and ask, "What premium do you require for the insurance of my life, so that my family shall have 300*l.* a year at my death?" The exact amount of that premium was what the right hon. Baronet ought to strike off from the man of variable income, and then to tax him upon the remainder would be perfectly fair and just. Why could not that be done? Where was the difficulty? Could not tables be prepared, or rather did they not already exist, of the value of life at different ages, from twenty to thirty, from thirty to forty, from forty to fifty, and so on? The young man who paid less for the insurance of his life ought to pay more to the State than the older man, from whom a higher premium was required. As this was a known principle, and one of every day's application, he asserted that to fly in the face of it was a gratuitous infliction for the advantage of the landed interest. The people ought to be told why this could not be done, and he wanted to see somebody get up in his place bold enough to maintain the injustice, or astute enough to show that it was none. The injustice was to tax men equally whose means were most unequal—rendering a whole life wretched, and preventing the possibility of that caution and providence which might enable an industrious and capable man with a fluctuating income to leave something behind him for his family. This, he insisted, was a gross and a cruel injustice, the cry of which must and would, ere long, reach the House, and compel redress. If the necessity were great, did the gravity of the need make it necessary to be unjust? No; if the whole sum were requisite, let it be obtained in fair proportions, and no man would complain; the poor man ought to furnish what he could, and the rich man ought to be called upon to give no more than his share. It was grievous to lay a heavier load upon one man than upon another, merely because the poor and powerless were unable to resist. The reason why the man of fluctuating income was severely taxed was, that the man of landed property might escape taxation. The right hon. Baronet did not dare to tax the landowner, and therefore he revenged himself upon the unhappy wretch who owned nothing but the faculty of honestly earning his livelihood. He did not lay this injustice at the door of the right hon. Baronet; he charged it upon the majority of the House, which the right hon. Baronet was unable to control, and he thanked him for bringing it into open daylight, so that all who ran could read the frightful cruelty and gross inequality of the imposition. Following up this part of the subject, he might call upon the right hon. Baronet to explain the difficulty of rendering the tax equal: he did not require him to make it equal in minute detail, but in the rough — upon a general estimate of the value of life, and the amount of net income, and striking off the sum which a man was obliged to pay for insurance. If this mode of levying the tax did not produce sufficient money, let him increase it; and what was equally imposed to supply the necessity of the State, would be cheerfully contributed by the whole mass of the community. If a penny were not sufficient, let the right hon. Baronet require two-pence; and if he observed the fair distinction between the parties who were to pay, he would soon have all the money he could require. It had been said—and he was much struck with the phrase—it had been said by the hon. Baronet the Member for the Tower Hamlets, that the right hon. Baronet's plan was a vulgar method. If by vulgar were meant common, he wished that there was much more of such vulgarity, at least in State affairs; but if by vulgar were meant that it was not done in private life, he must say, that men in private life did pay their own debts: they did not, in common terms, outrun the constable. If men were honest they did pay their debts, and did not endeavour, by a side-wind, to get rid of their fair debts. They did make their expenditure and their income equal. If they were honest men they did that, but if they were dishonest, and if they went on from day to day making their expenditure larger than their income, they would inevitably come to the last result—it would be a stand-still; it would be a bankruptcy if they were traders, and, if not, there would be a moral bankruptcy—they would be ruined. The morality of private life might be extended to nations. He could not understand in what sense it could be vulgar to pay one's debts. But, then, it was said, that the tax was of an inquisitorial nature, and that there would be great danger to the commercial interests of this country in learning exactly how much each man makes. To him this appeared a matter beyond comprehension. He knew that with our feelings there was a great dislike to let the world know what we are worth; he thought that one of the vulgar prejudices. That he called vulgar. They ought honestly and fairly to say if they were poor that they were poor, and if they were rich the world would very soon find it out. Neither could he understand how it could be made out that what was called credit could multiply the resources of the country. It might be said that he who had credit, but had not money, could make use of other people's money; but if he did so, he only carried on his business at another man's expense. If a man had credit, and with the consent of another man worked with his credit, it might be well; but all other credit was not honest, and could not benefit the country. Therefore he said, as to the inquisitorial nature of the tax, that he cared very little about stating what his means were, and he cared very little more for any one who entertained such a feeling. In his argument the hon. Member for Lambeth had selected a case in which he thought great discredit would be brought upon an important class. The hon. Member said, "He would like to know how a banker's income was to be known?" He had chosen peculiarly that class which knew precisely on the last day of the year how much they made during the year. The bankers knew with a certainty how much they had made; and how they could be ashamed or afraid to own it, or to wish people to believe that they made 10,000*l.* when they only made 5,000*l.*, he could not understand. Therefore he believed that if they made only the lesser sum, they would say that they made but 5,000*l.* If, however, the inquisitorial nature of the tax were objected to, was there not some rough but fair method of ascertaining the income? Were there not some means of investigating what any man really made, not in one year, but in a series of two, three, four, or five years? He should think that the rent, or what any man paid for his lodgings, would form a close approximation to his capacity to pay. ["*Oh!*"] He heard those cries of "oh! oh!" more loudly on that (the Opposition) side of the House than the other. There were surely some means of making a rough estimate of a man's capacity to pay, but if there were none, they must have the inquisitorial mode, and he thought that the evil of such a method was more than compensated by the direct method of taxation. Having trespassed so long upon the attention of the House, he would trespass only a few moments longer, for the purpose of pointing out to the Chancellor of the Exchequer the mode by which he might compensate himself—by indirect taxation if they would, as indirect taxation was in such favour—for the loss occasioned by cutting off the tax upon mutable incomes, or reducing them to the sum equal to the insurance on a man's life. By and by they would have to consider what was one of the great errors of the tariff, on a subject that had been often mentioned that evening—the duty on timber. He was prepared to show when this subject should be considered by the House, that it was not for the colonial interests, nor indeed the Canadian interests, that the law should be left as it was; it was no more nor less than the interests of a small body in this country who were the owners of rotten ships, and whose interests had been much over-rated. Knowing well the interests of Canada, and having had the honour in a former year to appear before the House for two-thirds of the Canadian population, he could state, that it was the desire of the people of Canada that this protection should be taken from them; they begged the mother country to resume it. If the right hon. Baronet would lower the duty on Baltic timber one half, and raise the duty on Canada timber one half, he would by these means obtain for this country better and cheaper timber, and at the same time improve the revenue. He would then be able to grant relief to that portion of the people of this country who had only mutable incomes, and would do no injury to any one. This great alteration could be made by the right hon. Baronet, and he was prepared to show that it would cause no loss to Canada; that it would confer a great benefit on the community; that it would inflict loss only on a few owners of mills; but it would give us cheaper and better timber. He would be prepared when the tariff was discussed to meet any one interested, and show that the additional revenue could be raised by this legitimate mode of taxation

—indirect taxation, if they would—but taxation far more just and easy than that proposed by the right hon. Baronet. He would not trouble the House by entering upon the other measures. He would only say, in passing, with respect to the importation of sugar, that the ground on which that was placed by the right hon. Baronet was wholly untenable. The right hon. Baronet talked of encouraging the slave trade. That was the bugbear which was always set up when any thing was proposed to be done. The mischiefs of that trade were unmitigated; the evils had rather been increased by what we had tried; we had done no good, according to their own statements. Those who were most interested on the subject—those who had expended the most labour, said that the mischief was unmitigated; yet when the people of England asked for relief they were told that they could not have it; and it was said, forsooth, that we should do mischief when we could not now prevent the slave trade. With these observations let him close his case with what he would term the moral of his tale. Hon. Gentlemen on that (the Opposition) side of the House had made two attempts during the present Session to render themselves popular. They had shown, in the first place, an opposition to the Corn-laws, they had tried to get up, as they called it, the steam. They had failed, because in them the people had no confidence. Too many found, when they possessed power, granted to them by the efforts of the people, that they did not employ that power for the benefit of the working classes. It was found that the working classes were arrayed against them, and asked and demanded their rights. When, therefore, the middle classes complained of the load upon their own shoulders, which was a burden unfairly placed upon them, the working class saw the part they had taken—they saw that they had forgotten the promises made to them in 1830, in 1831, and 1832; the working classes stood aloof; they made an effort to obtain popularity in the country and they failed. Now they were making a second attempt, and the people, clearly understanding the attempt, and being relieved by the wise artifice of the other side—being relieved by the political sagacity of the right hon. Baronet, were not personally interested in the question; he was glad of it, and would not assist the middle classes, or make any attempt to raise their popularity. Oh! said the middle classes, but we cannot trust the working classes because they will tax property. He would ask if there was no attack upon property on the other side? He supposed that long labour and deep thought was not property in the estimate of those who looked upon land and the funds alone as property. He said, that to take income derived from the labour of his head or of his arm, and to place upon it burdens which other property did not bear, was as much an attack upon property as if the working men compelled the owners of land or of the funds to pay taxes, and paid none themselves. He therefore said to the middle classes, "Here you have had from time to time striking evidence that you alone cannot cope with the other side. There are means of coping with them; there are means of putting them down, as you have put them down. Try once again. Tell the people once more that you cannot do justice to yourselves without doing justice to them. Do justice to them, and you will obtain justice for all;" and so he pointed the moral of his tale.

Sir *R. Peel* said, after the comments that have been made in the course of three nights' debate upon the proposal which I made for relieving the country from its financial difficulties, I must naturally feel some anxiety to reply to some of the observations that have been directed against it; and I must first remark on the objection taken to the course I have pursued by the hon. Member for Liskeard. I was told by him in the course of this evening, that having no confidence in the abstract merits of the measure I had brought forward, and being unable to support it by argument, I had resorted to topics calculated to excite party feeling, and had sought that aid from party excitement which I could not hope to find in reason and in argument. Sir, I refer for my vindication against that charge to all those hon. Gentlemen who heard me make my financial statement. I ask whether, when I detailed to the House the causes of the present difficulties, and proposed my remedy for them, it was possible for any man more studiously to abstain from every topic of a party nature. It was necessary for me to refer, among other causes of expenditure, to the China war, and to the war west of the Indus, but in referring to those causes of increased expense, did I not abstain from entering into any political subject that could be considered likely to provoke discussion of a party nature? But, Sir, when on a following night, I had to vindicate the course which I had pursued, I stood in a very different position. On the first night I had been told that my proposition should be considered as a whole; there was an admission of the great financial embarrassment, and I was told that my proposition should be regarded with no party feeling, that it should be discussed altogether on its abstract merits, and I appeal to those who recollect the second night's debate, whether any measure could be attacked in a manner more partaking of party spirit? As I said on a former occasion, I had foreseen much opposition, and I expected to be called upon to vindicate my measure, and when I did vindicate it, having been thus provoked, was it not natural that I should remind those who attacked my measure that they and their policy had been the chief cause of the difficulties in which the country was placed? And really, Sir, wishing, though I do not, to discuss the subject in the temper in which it has been begun, I must say, that a speech of greater bitterness I never heard than that which fell from the right hon. Gentleman, the late Chancellor of the Exchequer. Why, Sir, was it not said that I had maintained the sugar duties, not because I was convinced of the policy of maintaining them, but because I wished to preserve my consistency—that I would not propose any measure that could unfavourably affect my own political position. Is it not true that not one word was said against the present measure when it was first proposed? Was it not a measure in respect to which I received the assurance that it should be calmly and deliberately considered? Did not the noble Lord and the right hon. Gentleman state that the subject was one to which they had given great consideration—that it was one which had necessarily occupied their attention? And yet they can now come to no other conclusion than that a more unjust, a more inquisitorial, a more oppressive measure, could never have been proposed by any Minister. Why could they not arrive at that conclusion on the first night? Of course, in reviewing their financial difficulties, the subject of a tax upon income must have come under their notice and consideration, and they might have been as well prepared on the first night as on the second to declare their conviction that a tax upon income was an unjust, inquisitorial, and oppressive measure. I must say, therefore, that I spoke on the second evening rather under the impression, that the attack on my measure was not dictated by that spirit of calm enquiry in which the noble Lord had promised that it should be examined, such as guides philosophers in the closet, but partook much more of the character of a meeting at the Reform Club. Therefore, whatever might have been my wishes on first proposing the measure, yet, after the assurance I then received, after the manner in which I opened the proposal, and after the manner in which I and the measure were assailed, then, indeed, I did that which I always will do—I vindicated to the best of my power the measure which I had introduced and the motives which had influenced me in introducing it. Sir, I must say I was surprised that this measure of the Income-tax should have been denounced by the leaders of the party opposite without reference to the public exigency or necessity. I was surprised to hear it denounced as an odious and unjust measure—one which no Minister ought ever to have proposed. Because I remember perfectly well, that among those who have been connected with the party opposite, those whose attention has been chiefly directed to matters of finance, direct declarations have been left upon record, that seeing the nature of our taxation, seeing its tendency to press upon labour and upon the articles which form the necessary consumption of the great masses of the people, a property-tax might be resorted to with advantage during a peace. I have heard them with my own ears deliver that opinion. I heard Lord Althorp give that opinion distinctly. Sir Henry Parnel left it on record, and at a period when no such financial difficulty existed as now exists, for the sole purpose of relieving the articles of general consumption in the country and the productive industry of the country from the pressure of taxation, Mr. P. Thomson, Lord Althorp, Mr. Hume, Sir H. Parnel, all declared in favour of a property-tax. The principle, therefore, of a property-tax during peace, were hon. Gentlemen opposite acting from philosophical and not from party views, would not be denounced with quite so much sternness as has been evinced on the other side. Then, Sir, I am told that I have not established any necessity for a property-tax. Let me pass in review the chief objections that have been urged against my course and against the measure. I am told, first, that I have established no sufficient financial necessity for the imposition of a property-tax in time of peace; and here I must fairly own that I am now making an appeal, not so much to Gentlemen opposite as to the deliberate judgment of the country, on which I rely for ultimate support—that deliberating class who are enabled to form a just judgment of the financial difficulties in which we are now placed, and of the inevitable consequences that must attend our permitting them during peace to proceed without making any attempt to check their progress, and I ask them maturely to consider, whether I did not establish such a financial necessity as calls, at least, for some very decisive measure. It is proved, that there has been an increasing deficit during the last six years, and that during the last four years that deficit has been rapidly increasing. I include in my calculation the year ending the 5th of April, 1843, because there has been no complaint of my estimate for the year, and I am therefore entitled to assume that it is correct. It is shown that on the 5th of April, 1840, there was a deficit of income as compared with the expenditure of 1,487,000*l.*; that in 1841 there was a deficit of 1,851,000*l.*; that in 1842 there was a deficit of 2,334,000*l.*; and that on the year ending the 5th of April, 1843, there will be a deficit of 2,573,000*l.* It is proved that up to the 5th of April, 1843, on a comparison of your income with your expenditure, and including the deficiencies of the year, you will, in the twenty-sixth year of peace, have accumulated during six years a fresh debt of 10,000,000*l.* It is proved that, for the present year, your expenditure will exceed your income by 2,500,000*l.*, taking the expenditure as voted upon the estimates, but it will be found that the deficit cannot be less than 3,500,000*l.*, for I shall have to submit an estimate for a reinforcement of our troops in India, and we shall have to pay the expenses of the China expedition for the current year. Why, that fact alone is enough to establish a case of considerable financial difficulty. I, at the same time, reminded you of the position of a great branch of your empire in another hemisphere. I asked you to remember the position of Indian finance. I reminded you that Indian finance had followed the course of the finances at home; that in 1836 you began with a great surplus; that in 1841 you had ended with a great deficit; that in 1836 you found a surplus of 1,500,000*l.* at least; that by 1840 you found a deficit of 2,300,000*l.*, and by 1841 a deficit of 2,400,000*l.*; that the Indian Government were now raising 2,000,000*l.* at 5 per cent. I asked you to remember that ere long your credit might be required to be brought in aid of Indian credit, should any great reverses or difficulties arise; and I said also that I thought it would be a wise course to abstain from incurring doubt, and to maintain the public credit here by showing a determination to raise the necessary supplies immediately. Those were the proofs I adduced in order to show that there existed a financial necessity. Sir, if I had not felt a full confidence in the spirit and in the resources of this country, I might have shrunk from developing the truth; but it is because I do know the country has within itself energy and resources sufficient to overcome all its difficulties that I at once met the difficulty, and on that ground I would not conceal the truth from the public. I say nothing whatever as to the prospects in India. I have received no provocation to-night to enter into that subject, and I wish to adhere to the example set me by the other side, and say nothing as to our policy and prospects on the Western side of the Indus. I must however say, that I take no desponding view of the state of affairs in India. I have just the same confidence that I have always had in the valour and energy of England, already so gloriously displayed in that great field of exertion; and I hope and trust that those exertions will be great in proportion to the difficulty, and will soon repair our temporary disasters. But I think the hon. Member for Lambeth the other night was rather too hasty in saying that he should refuse his assent to any measure whatever that might be necessary to adopt for the reparation of those disasters. "Not one shilling of the Income-tax," said the hon. Member, "shall, with my consent, be applied to the war in Affghanistan." I shall not, as I have said, on the present occasion enter into any inquiry into the causes of the present state of things there, but I do trust the House will suspend their decision until there has been a full investigation, and that they will not only consider the policy that undertook that war, but that they will also suspend their judgment upon the policy which Ministers think it necessary to adopt, as British life has been sacrificed to a great extent, and sacrificed by gross perfidy and violation of solemn engagements. The hon. Gentleman says the Affghans are engaged in a battle for their independence, and, he adds, that he holds me responsible for the Affghanistan expedition. Sir, I beg leave to say, that when I first heard of the expedition across the Indus, I had the greatest doubts of its good policy or the extension of our empire in India. I acquiesced in the views of that gallant and distinguished officer, Sir Alexander Burnes; who has fallen a victim to his zeal for the service of his country, and who has left on record his opinion, that "to attempt to restore Shah Soojah to the throne from whence he had been expelled in 1809, was a measure the failure of which would entail upon us disgrace and disaster." I read that passage, and I said at the time that the attempt to force Shah Soojah on the throne of Affghanistan very much resembled what our policy would have been had we attempted to force Charles X. upon the throne of France. Shah Soojah had been expelled from the throne, and his personal character was held in the utmost contempt by those over whom we had compulsorily placed him to rule. Sir, it appears to me that at a period when the policy of the country is determined on, and when ten thousand men may be required to assert our power in India, the hon. Gentleman should not presume that we were unwilling, powerful as we are, to carry out the military policy of the country. The position of affairs is now very different to what it was before the Affghan expedition ; you might at the outset remonstrate ; but it is not now wise to damp the spirit and ardour of the troops by such observations. At the same time, however, I must disclaim for myself, and for those with whom I act, all responsibility for the expedition beyond the Indus. Whatever we may think of the original policy which dictated that expedition, we will take such steps as we conceive British honour now requires, with as much good faith and energy as if the expedition had originally been a part of our own policy. To revert, however, to our financial position. I have shown that a deficit of 10,000,000*l.* has been incurred during the last six years; the deficit of India is nearly 5,000,000*l.* on the expenditure of the two last years alone ; and I submit it to the deliberate judgment and decision of those who hear me whether it be not absolutely necessary to make some great exertion to rescue ourselves from such a financial difficulty ? But the next question is, what shall be the nature of that exertion ? I think the great majority of the House admits that we have made out the existence of the necessity for the exertion. It is a mere delusion to say that this is not the time for such a measure. I do not say I propose the Income-tax because of the war in Affghanistan, or because there is a war in China, but I say that we should review our financial position regarding those two wars, as causes of increased expenditure, which certainly of themselves would not justify the course proposed, but which combined with other causes of increasing expenditure do concurrently contribute with them to form such a cause as justifies some great exertion or other. Then, what shall that exertion be ? I am told that the budget of last year was sufficient to relieve it. I am convinced, however, that if the budget of last year had been carried by the assent of the House of Commons, there would still have arisen a necessity for some such exertion as I now propose. The budget of last year calculated an increase upon the sugar duties of 700,000*l.* to arise from the proposed admission of foreign sugar. That amount has been realized by the unexpected importation of sugar from the East Indies and a reduction in the price of the article. As nearly as possible the sum which the right hon. Gentleman calculated upon by the reduction of the duty on foreign sugar has by these means been obtained. With respect to the duty on corn, it is, of course, very difficult to form any estimate of what it might produce. The noble Lord calculated that the same number of quarters would be admitted at an 8*s.* fixed duty as had been admitted at 6*s.* 8*d.* and at 1*s.* On this subject it is very difficult to form an opinion, but I cannot conceive on what grounds the noble Lord argues that the same quantity would be brought in at an 8*s.* duty as has been imported at a duty of 1*s.* But, now, with respect to timber. I am quite prepared to admit, that the proposal of the right hon. Gentleman with regard to timber would, had it been adopted, have produced a larger amount to the revenue than that which I submit to the House. The right hon. Gentleman proposed to reduce the discriminating duty on Baltic timber by 5*s.*, keeping the duty at 56*s.*, and to continue the discriminating duty between foreign and colonial timber to the extent of

30*s*., by imposing a new duty of 10*s*. on timber the growth of the Canadas, thus leaving the duty on colonial timber at 20*s*., and that on foreign timber to 50*s*. Now, I admit, that this alteration would have produced a larger amount of revenue, but, at the same time, I am prepared to contend, if the country can make any remission of taxation, that there is not a single article in the tariff upon which a reduction of the duty would tell with greater effect in encouraging the industry of the country than the article of timber. I say, therefore, that I am surprised at the hostility which has been shown to my proposition by the other side of the House. Gentlemen opposite profess a great respect for the opinions of Mr. Deacon Hume. Now, what does Mr. Deacon Hume say on the subject of a reduction of the timber duties. He tells you that—

> "If the country could afford to give up the whole amount of the timber duty, there is not one other article to which I would sooner give perfect freedom from duty in this country than wood. We possess iron and coal, and we have not got wood, and our case would be complete with the three. We act towards wood, as France acts towards iron."

Sir, the ancient policy of this country was to encourage the importation of timber, at a nominal or a very small duty, as was recommended by Mr. Deacon Hume. Up to 1795, in the midst of war, the whole duty on foreign timber was only 6*s*. 8*d*. the load of cubic feet, the Governments of that day considering wood in the light of a raw material entering into almost every species of manufactures, and consequently deeming it expedient that a low duty should be imposed. It was not, therefore, until the hottest of the war that wood was subjected to increased taxation. Why then, Sir, is not my proposal in accordance with the ancient principles of our taxation. At the same time, that it is calculated to benefit the consumer; and confer a greater benefit on him than he could obtain from the proposition of the right hon. Gentleman. I again, then, repeat my conviction that if I can secure a tax on the property of the country, and reduce the timber duty, I shall do more to restore activity in our trade and commerce, and to benefit the population of the country generally, than by any single measure that I could propose to Parliament. And before hon. Gentlemen decide on this point, I wish they would read the evidence given before a committee of this House with respect to fisheries. They will find, by reference to the reports of the committees on Import Duties in 1805 and in 1840, that our fishermen are represented to be subject to very great disadvantages in consequence of the existence of this timber duty. I would refer Gentlemen especially to the evidence given by Mr. John Mitchell. Let them attentively consider what he says as to the superiority of the dwellings of the humbler classes of Norway to those of our own country, arising solely from the cheapness of wood. Then, again, I would ask Gentlemen to read the evidence as to ship-building. They will find it stated, under that head, that the timber duties are acting most injuriously to the interests of our ship-builders, and that even the trade of the country in ship-building is leaving us on account of the existence of these duties. Therefore, I say, that although under my proposition, so much may not be got for the revenue, yet the reduction of the duty on colonial timber to a nominal amount, and the reduction of the duty on foreign timber from 55*s*. to 30*s*., is one of the best measures for the consumer, the ship-builder, and the country generally, that it would almost be possible for me to propose. But, Sir, it is said by hon. Gentlemen opposite, that I take a gloomy view of the state of our finances, and that I hold to the opinion that there is no mode of redeeming lost ground but by the imposition of an Income-tax. Now, I say no such thing. I have all along said that I believed the energies of the country are not exhausted, and that they only require time to revive. I could, had I so pleased, have gone back to articles from which the taxes have been removed, or have imposed additional taxes on what is already taxed. But I do not think it would be desirable to add to the extra 5 per cent. imposed last year upon articles of customs and excise. The right hon. Gentleman opposite dwelt at some length upon the question of revenue to be derived from a duty on corn. He also adopted a very triumphant tone in referring to the amount received from sugar. Now, Sir, I do not think the right hon. Gentleman can be permitted to take credit to himself for the additional amount derived from sugar. That additional duty was received from sources which were quite unexpected, and which certainly do not bear out the position that any credit attaches to the right hon. Gentleman therefrom. Sir, I will take the revenue of last year, and strike off the sums received upon corn and sugar. The right hon. Gentleman levied an additional duty of 5 per cent. on articles of customs and excise. Now, deducting the amounts received on corn and sugar, I find that the revenue from these sources in 1840 was 17,532,000*l.* In 1842, after the imposition of the additional duty of 5 per cent., the revenue was 17,906,000; but the sum ought to have been 18,409,000, if the right hon. Gentleman's expectations of the proceeds from his additional 5 per cent. had been satisfactorily realised. From this I infer, that with respect to customs and excise duties, we have almost arrived at the limits of taxation, and that it would not be wise to lay on any further duties. Well, then, Sir, if I go back to other articles on which duty is or was received, I have no doubt but that I might have obtained the consent of the House of Commons to an additional duty, or to the reimposition of a duty not now existing. But I think, that it is more just at once to resort to a Property-tax than to seek to reimpose such burdens. I take the case of salt and leather. Now, I have no doubt a large revenue might be derived from either of these sources, and I have no doubt, also, that a large revenue might have been derived from a duty upon beer. But I do say, that I consider it more just and more politic to meet the difficulty at once by proposing a tax upon incomes, than by reviving indirect taxes, which entail a heavy expense in collecting, and which cannot be imposed without greatly disturbing the trade and manufactures of the country. The scheme I propose is certainly liable to neither of these objections. I solve the difficulty by the Income-tax at the same time that I relieve the consumer by reducing the taxation upon articles of general consumption. Now, the chief objections to my scheme have been enumerated by the hon. Gentleman oppposite, the Member for Liskeard. The first objection of that hon. Gentleman was a curious one. He objected to the tax because the people would be enabled to see what was taken out of their pockets. Now, this is exactly so. An Income-tax is very sensibly felt in its operation. Taxes on articles do not come home so directly—a tax on salt or beer, for instance, would by no means be felt so sensibly. But then I am certainly surprised to hear this sort of argument urged on the other side, where it has always hitherto, I believe, been held, that the people ought to know exactly what they were called upon to pay. But then, Sir, it is said, that public credit is shaken by my proposition. Now, certainly I see no such effect. I look at the state of the public funds, and I find that since my proposal was made, nothing has at all occurred presenting any indication that the public credit of the country is shaken. Then the next objection is, that a tax upon incomes has a great tendency to drive people from England. Why, has not the present system of taxation a tendency to drive people out of the country quite as great as the Income-tax? What is there at present to prevent the great landed proprietors of this country from living abroad and from thereby escaping the effects of both direct and indirect taxation. But what I propose is, that those classes should be subjected to a direct contribution to the revenue, and from that contribution I apprehend they cannot possibly escape. At least, then, my scheme has this advantage, that I call on him who chooses either for his amusement or pleasure to travel abroad and evade taxation on consumption at home, to contribute his fair proportion towards the revenue of this country. But I do even more, I offer an inducement for the absentees to return. I propose by the amended tariff to reduce the cost of living in this country, which has hitherto, with a certain class at least, been the reason for residence abroad. I expect, that the result of the new tariff will be to reduce the cost of articles of consumption in this country, and let me ask, will not this have a tendency to induce absentees to return? I say it will. If by removing prohibitory duties, and reducing the scale of duties generally, I reduce the cost of living, I contend, that instead of driving capital out of the country, the general tendency of my measure will be to induce absentees to return, and insuring their remaining when once they come back. The hon. Gentleman, the Member for Bath, and also the hon. Gentleman, the Member for Liskeard, have addressed themselves to what they style the gross injustice of this tax. They say they are content, that tax should be imposed on property, but they object to its imposition on incomes—that is to say, to its being derived from parties whose receipts arise from professions or trades. [Mr. *Roebuck:* I objected to the rate being the same on the two species of income.] That objection cannot, I am afraid, be removed. The hon. Gentleman did not object to the inquisition, and he made no objections to the disclosure of the amount of an income. The hon. Gentleman was singular in that opinion, for every one else who spoke on the same side with the hon. Gentleman have contended that, with regard to incomes derived from trade or professions, the tax is most objectionable, and that not, be it remembered, so much on account of the amount of the tax itself, as on account of the inquisition it establishes. The objection, therefore, of the hon. and learned Gentleman, the Member for Bath, is not that which has been urged by the great body of those who have addressed the House upon the subject. Now, Sir, when I really look at the object of this tax, I cannot admit the force of that objection against it. And I cannot bring myself to think that it would be fair or just to impose the whole, or, at all events, the greater portion of this tax upon incomes derived from land alone. And, Sir, I am not, singular in entertaining that opinion. Lord Althorp also held the same opinion, and expressed it in the following terms:—

> "Much had been said about a property-tax, and he believed that on that point he differed considerably from his friends about him. Still he had no hesitation in saying, that to grant relief to the productive population by a reduction of taxes, and to impose a property-tax to meet the deficiency thus occasioned, would be a very good measure. That was his own individual opinion. The gallant General (General Gascoyne) might perhaps say, that his present opinions were inconsistent with his former opinions, and he would admit that it might seem to many that he was inconsistent. But the country was now in a situation very different from that in which it was formerly placed, and he would say to the landowner, that if a property-tax of 10 per cent. were imposed, he would be the gainer, because he thought that the landowner, in consequence of the existing distress and the large sums which he was obliged to advance for the maintenance of the poor, lost considerably more than 10 per cent. on his rents."

Such, then, was the opinion of Lord Althorp upon the subject of a property-tax. But now, Sir, what again is the object of this tax which I propose? It is simply to call upon all persons of a certain income to make, for a limited period, out of that income, a contribution for the public good. It is contended that it is unjust to tax all incomes at the same rate, and that there ought to be a distinction made between the kind of income and the source from which it is derived. But, Sir, it appears to me that if the exemptions which have been suggested were to be carried into effect, this tax would be altogether inefficient. I think a tax so assessed had better not be imposed at all. And let me ask the House what tax ever was imposed that was not objected to, on account of its inequality? What was the beer-tax—the house-tax—the window-tax—what were the assessed taxes, when first imposed? Are all these taxes just in every one's eyes? Must not all taxes—direct or indirect—bear unequally upon those who pay them? Take the case of the professional man. I think the professional man might urge good arguments against the justice of the assessed taxes. I show you that the owner of what you call permanent capital has the greatest facilities for evading the tax. He can remove to the continent, and draw his income as he requires it; but the professional man—the lawyer for instance, or the medical man—is compelled to remain in this country, and to submit to the indirect taxation which prevails. All indirect taxation has a natural tendency to produce injustice, and I have ever thought that the chief argument relied on in opposition to the taxation of articles of consumption was, that if beer, or any other such article, were exposed to it, the tax always operated unjustly. You say that income derived from fixed property ought to be made subject to the tax I propose, but that income, drawn from professional exertion and the operations of trade, ought not to be taxed, partly owing to the inquisitorial nature of the tax itself, and partly from the nature of such property. But is it meant that the officer on half-pay should contribute to the tax, and that the physician of 9,000*l.* or 10,000*l.* a-year should not? You say that terminable annuitants ought not to pay the same rate as landed proprietors; but would you say that a widow, who has a jointure—a fixed sum per annum—which terminates with her life—would you say that she should pay the same amount? Again, with regard to life interests in estates, is there to be no difference between an estate in fee-simple and a life interest in a landed estate? If I have a life interest in an estate that has to pass to a distant relative who feels no particular interest in me, is it to be calculated what my interest in such estate may be? If I compare my position with that of a man holding his property in fee-simple, and who can charge it as he pleases, surely there is a vast difference in the comparative value of our interests, and I say again, that, looking to the Income-tax as a measure that would have to be resorted to in time of war, and looking at the necessity of imposing perhaps a 10 per cent. tax rather than resorting to a system of borrowing and funding, it would be much better to abandon it altogether, rather than make a large number of exemptions. Or suppose I am endeavouring to make a provision for my wife and children out of my life interest, do you say that I am to be equally taxed in that case? Then what will you do with the clergy? If your principle is to be adopted, the clergy must all be exempt from taxation. It is quite clear that they must. How is a clergyman differently situated from an annuitant for a term of years? He has a certain income, which he holds for his life with certain onerous duties to perform. The property is an enduring one, but his interest in it is only a life interest. Take the case of two brothers. Suppose one brother invests 5,000*l.* in the funds, and receives his 3½ per cent., and that the other purchases a living, making a higher interest for his money, am I to make a reduction in this case? [A *Voice*, "Yes."] The hon. Member says, yes; then I say if I am to make that calculation in every case, I had much better abandon the system altogether. For to do so would be virtually abandoning the principle of making every man contribute in accordance with his means. Suppose I buy an annuity from an insurance-office, or suppose the case of a single man, who, wishing to enjoy a large income, sinks the whole of his money in the purchase of an annuity, am I to deal with him in the manner suggested by the hon. and learned Gentleman? [Mr. *Roebuck* assented.] Well, then, I must say, that, after these admissions of the hon. and learned Member, which I have been anxious to draw from him, and as to which I knew he was far too logical a reasoner not to acknowledge the connection of each of these cases with the other—if you are to proceed upon the principle he lays down, then I say that the inquisition under his plan will be ten times worse than that I propose under the present system. I do hope that I have now stated all the grounds on which I am of opinion that, if you establish this tax, you ought not to make any exemptions. Upon these grounds I have proposed this plan. I never said I should make no modification in the details; on the contrary, I have stated the modifications with respect to the mode of collection which I was willing to adopt; but I do again declare, that with respect to the main principle—namely the levying of 7*d.* per pound on incomes above 150*l.*, I must urge it upon the adoption of the House, fearing exceedingly the consequences of abatements and exemptions of the nature that have been stated by hon. Gentlemen opposite. Then, Sir, I am told another great objection to this tax is, that it encourages perjury and fraud; but I should like to know what is the tendency of indirect taxation. I should like to know what is the tendency of excise duties. I should like to know what is the tendency of all the excise regulations as to distilleries. Taxation, I take it, is inevitable. Taxes we must have. Sir, I perfectly agree with the hon. and learned Member for Bath, that nothing can be more frivolous or absurd than the extreme sensitiveness as to what a man's income may be. I believe that a very good estimate is usually formed of the state of men's circumstances by those who care about inquiring into other men's property, and the state of their credit. There is a keen and quick instinct in such parties, which enables them to ascertain, without much difficulty, what their neighbours, or those with whom they may happen to have dealings, are worth, and as to the terrors of the inquisition, which I propose, into men's private affairs, it is mere folly, if men will only act honestly, and make *bonâ fide* returns. Sir, I do not believe that the tremendous consequences apprehended by the hon. Gentleman opposite will follow the disclosure which will be required to be made, and I cannot suppose that any one will subject himself to inconvenience or embarrassment by being guilty of a fraud of this kind for the sake of 3*l.* or 4*l.* For my own part, I entertain a higher opinion of the integrity and fair dealing of the people of this country, than to suppose that an advantage of such an amount as 2*l.* 18*s.* in the 100*l.* could operate as a temptation to perjury or fraud; but, at all events, as I said before, whatever may be the inconvenience attending direct taxation, depend upon it that it is better than resorting to that description of indirect taxation which leads to smuggling, and affords equal, if not greater, temptation, for fraud and perjury. Sir, I say, as I have already stated, that I do not propose an Income-tax for the mere and single purpose of making good the deficiency, but that I propose it concurrently with meeting the deficit in the revenue, to enable me to make extensive alterations in our tariff. There has been a disposition on the part of hon. Gentlemen opposite to undervalue the changes I propose making in our tariff; but I am happy to say that the hon. Member for Bolton—and no one is better informed on the subject than that hon. Gentleman—does not join with those who have evinced such a disposition; for he says, candidly and fairly, that the alterations in the duties which I propose, are not only extensive, but important. He undoubtedly says I have omitted corn and sugar; but, in every other respect, he admits that the changes I propose are calculated to encourage the industry, the trade, and commerce of the country; and on these grounds bears his testimony to the value of these changes. Now, what are the changes which I propose, and what is the exact position in which I stand? I am met by conflicting statements from all sides; and the hon. Gentleman the Member for Sheffield says, that, though I remove prohibitions with respect to the import of cattle, that such a change will be of no advantage, because cattle cannot be bought on the Continent. But it is, I think it will be acknowledged, impossible for me to proceed on such a supposition. Well, but what is it I do? Why, I permit both salt and fresh meat to come in; but what the hon. and learned Gentleman says is, that even though I do so, it will be of no advantage to the consumer in this country, because no foreign cattle can be obtained, and that the calves are not yet born. Sir, I hope that hon. Friends of mine on this side of the House, who have expressed some alarm on this part of the subject, have attended to the statement of the hon. and learned Gentleman as to the demand for cattle on the Continent absorbing the supply. From the hon. and learned Gentleman's showing, it is clear that these apprehensions are groundless, and it must, I think, be admitted, that, as far as I am concerned, I can do no more than I have done—that is, to increase the facilities for the importation of foreign cattle. It is, Sir, I think unnecessary to look at the demand for cattle in France or any other country, but if we merely advert to the number of cattle sold in Smithfield alone during the last year, and if we found that as many as 167,000 oxen were sold in Smithfield in a single year, I think the impossibility of bringing foreign cattle into competition with the superior animals of this country, must be admitted; and, with such a fact before them, I must say that I consider the apprehensions of my hon. Friends altogether groundless. Now, with respect to salt meat, will not the admission of salt meat afford great facilities to commerce, at least, as regards the fitting out of ships. Great frauds have been practised with respect to the provisioning of ships. The uniform practice was to take the salted foreign meat out of bond, giving a sort of guarantee that it should be landed in a foreign port, but it, nevertheless, is applied to provisioning the ship. The danger of a serious interference with fresh meat is very absurd. I do not over-rate the benefits to be derived in the cheapening of provisions; but I do think those persons in Scotland and Ireland who entertain apprehensions on this subject, greatly overrate the evil consequences that may result from permitting foreign meat to be brought into the London market. I propose to remove every prohibition, then, on articles of provision. Look, again, at what I propose on the article of foreign wood. I have reduced to almost nominal amounts the duties on foreign woods. I believe, that the consequence will be, that new establishments will grow up in this country for the manufacture of articles of furniture. We labour at present under very great disadvantages, in competing with foreigners in this respect. It will, therefore, be a very great advantage to have the duty on foreign woods so materially reduced. I reduce the duty on every article of foreign wood, with one exception; and I trust, that by a treaty with Brazil, I shall be enabled to reduce the duty on that article also—I mean the article of rosewood. But then I am told, you should not proceed on this principle—you should proceed on the principle of remitting the duty upon articles of foreign production in every case, entirely regardless of what a foreign country may do. I am not altogether prepared to say, that it may not be good policy to buy at the cheapest market, without reference to the conduct of other nations. But, at the same time, it cannot be denied, that it would be a great advantage to us if we could get, when we make a reduction in our own duties, a corresponding advantage in return. We have every right to ask for it. For instance, it would be a great advantage to this country to receive the brandy of France at a much cheaper rate. I think its consumption would be very great. I believe France would derive great advantages from a remission of the duty; but it is quite clear, that France would derive as great advantage by permitting the introduction, at a moderate duty, of the manufactures of Sheffield, and I hope the people of France will feel that to buy cheap goods at Sheffield, would itself be of great advantage; but to act conjointly with reciprocal advantages would be better still. Then, with respect to the remission of the duty on timber, I do not mean to say, that abstractedly, it would not be a good thing to buy cheap timber in the Baltic, but I am sure there will be a greater demand for our goods in Norway and Sweden; and I do hope, that those countries which are concerned in the Prussian League will be convinced of the benefit of the mutual interchange of commodities, and that Sardinia, Brazil, Portugal, and Spain, will see the advantage of a great reduction of duties. That a reduction of duty should take place in foreign countries, cannot be denied; that to give every access to the manufactures of this country would be a great advantage to them, I am ready to prove, and therefore I object to precipitate reductions of duty here, without attempting to obtain an equivalent corresponding reduction of duty on our own articles. That is the ground upon which I proceed. Look, again, at the reduction of the duty on oils, on drugs, on resin, on all those articles which constitute the raw material of manufactures. Who will be injured by that reduction? Look, again, at the reduction in skins and furs. I remit the duty. What is the effect of maintaining it so high as at present? It sounds like a prohibitory duty; but it does not act so. What is the use of maintaining a 30 per cent prohibition, when the smuggler will undertake to deliver the article at an increase on its cost price of 10 per cent? The advantage of the high duty goes into the pocket of the smuggler. Consequently, the moderate reduction of these prohibitory duties will be a positive advantage to the manufacturer, for it will enable him to know exactly and at once what he has to compete with. Take, again, the article of gloves; it is quite impossible to prevent the foreign import of such an article, because the smuggler, while the prohibitory duty exists, will find the means of evading the law. I also repeal the duty on manufactured leather,—on shoes and boots. In short, look through the whole of this tariff, and I venture to say it must, if the House sanctions it, tend greatly to reduce the cost of consumption. An hon. Friend of mine has, within these few days, informed me that the union, of which he is one of the guardians, have entered into a contract for the supply of the workhouse 20 per cent cheaper this year, than the contract of last year, in consequence of the reduction of prices anticipated from the new tariff. On the other hand, it seems that those who have hitherto produced those articles in this country will be injured by the alteration; but if you make a great reduction, not, I would say, in the amount of the poor-rates, but in the cost of living, on account of which the poor-rates have been kept high, those parties will derive considerable assistance from that reduction. I may observe, here, that there has been a tendency of late years to increase the poor-rates on account of the high prices of provisions. With respect to the colonial question, an hon. Gentleman taunted me with the determination to urge all these propositions, without alteration merely because I have a majority. But because I am in possession of a majority, I am inclined to listen to any reasonable propositions of amendment. In propounding an extensive commercial tariff of this kind, embracing 1,200 articles, I do not deny that some improvements may be suggested; and if on reviewing the proposals I have made I shall be convinced that I have laboured under an error, no sense of shame shall deter me from at once consenting to modify the proposition. This, however, I must say, I have paid great attention to what has been said during these debates, and I have not heard anything which has convinced me that what I have proposed is not a very great advantage. If the reduction of duties on the raw material, and on articles half-manufactured, and speaking generally, if the great principle of the tariff be adopted, I have a very confident hope that it will tend to the improvement of trade. [Viscount *Howick:* You retain the principle of differential duties.] If the noble Viscount will allow me, I will explain that in due time. I cannot say that there ought to be no differential duties between the produce of the colonies and foreign countries. Nay, more, I must say, that if you look properly at the relations between yourselves and the colonies, you must consider your colonies entitled to be put on a different footing from foreign countries, and that it is only perfectly fair to give to articles of colonial production a preference in your markets over articles the produce of foreign countries. I am disposed to think even that you ought to carry the principle of assimilation, if you can, so far as to consider the colonies an integral part of the empire for all commercial purposes. I think the application of a discriminating duty on colonial articles as compared with foreign to be founded on sound principles. The arguments which have seemed to make a great impression against this doctrine have not convinced me. This, I say, that where a colonial and foreign article enters into competition when the article is not produced in this country, there the differential duty tells in favour of the consumer. Suppose there are only two producers, the foreigner and the colony, and that the article is not at present one of colonial produce, such as that on which the right hon. Gentleman has been so facetious, *Eau de Cologne.* There the differential duty may introduce fraud —that is a fair subject for consideration— but in respect to the preference of the colonial to the foreign article, the establishment of the differential duty will tell in favour of the consumer here. That is a principle upon we have been long acting. That was the principle on which we have been long acting. That was the principle on which you admitted rough rice from the west coast of Africa on more favourable terms than from America, and brought us into difficulty. The equalisation of the previously discriminating duties on East and West-India rum and sugar, proceeded on this principle; the differential duty on timber, on corn, on sugar, proceeded on this principle, and I will undertake to show you that, so far from this being a new principle, there are at this moment, sixty or seventy articles and more, on which this principle is acted upon. In reference to those articles which are *bonâ fide* the produce of our colonies, I will admit that a differential duty ought to be maintained, considering the disadvantages under which our colonies labour, as to the introduction of our manufactures— but, as to the application of a differential duty in every case to the colonies, I shall reserve to myself the full opportunity of considering the question, and if I shall think the reasons assigned for an alteration of the tariff in this respect valid, I shall have no difficulty in making that alteration. With respect to the duty on tobacco, the produce of the East Indies, I should wish also to reserve to myself a full opportunity of considering the objections that have been urged to my proposition, and I shall not have the slightest difficulty, if I see reason to make any alteration. Sir, I am not aware that there is any other point on which it is necessary for me to make any observations. I am quite conscious of the difficulty of the task which I and those with whom I act have undertaken; there are many of these, and not merely in reference to the tariff. It is impossible to deny that on our accession to office, we found many difficulties before us. We found war in the north-west of India—we found the Chinese excited to hostilities against this country—we found —I deeply regret to say it—a spirit, I will not call it hostility but of jealousy existing between France and this country,—a spirit which has arisen of late years, and which is deeply to be deprecated. It is of the utmost importance that the good-will which had previously for some years existed between this country and France should be revived—a good understanding—an amicable relation between this country and France, and the increased commercial intercourse between them, is obviously of the utmost importance, but, at the same time, it is felt that no concessions inconsistent with the honour or welfare of this country ought at any time to be made, even for the purpose of obtaining so desirable an end. As the causes of disunion are now removed, as the Five Powers, in respect to the Eastern question, or acting in concert, with united councils, I earnestly hope that the good feeling which before existed between us and France will be completely revived. I think it impossible to deny that we found our relations with the United States in an unsatisfactory state, there having been for a long series of years unsettled causes of disunion, which we are doing our best to bring to a satisfactory determination. Above all, I think it cannot be denied, that we found the finances of this country in an unsatisfactory condition; and it has been our duty to apply ourselves to the proposal of those measures which we conceived to be the best calculated to replace those finances on a sound and proper basis. It has been made a charge against me, that I declared that the measure for the imposition of the Income-tax is not only proposed with the whole authority of the Government, but that it is a measure in which the fate of the Government is involved. On this point I might have thought it almost unnecessary to have made any declaration. Is it to be supposed possible that I could, in the present state of the affairs of this country, propose such a measure as that which I have proposed, without considering the fate of the Government involved in the decision of the House of Commons upon it? To have made such a declaration appears to me to be scarcely necessary. I do propose it—I speak not of minor details, but of the measure itself, as the basis of the financial and commercial policy of the country; and as a measure which I never could have consented to propose if I did not manifest my conviction of its necessity by risking my fate as a Minister on it. The more I consider the subject, the more deeply am I convinced that this measure, and the measures which accompany it, are necessary for the welfare of this country. I relinquished office in 1835, because I could not consistently acquiesce in a principle which I felt to be not founded in justice. I propose now a great measure, and if the House of Commons should overrule my proposal, I shall retire with perfect content and with the consciousness that I have discharged the duty I owe to my country, by proposing a measure which has been characterized by one of my opponents as a bold, as a direct, as an honest measure. If these be the characteristics of it, it is suited to the exigencies of the present time. This is a period in which you do require that the measures proposed should be bold, direct, and honest. The measure may be rejected now. The attempts which are made to dissatisfy those interests whom I am supposed to have affected—to unite them in opposition to this Income-tax, may possibly prevail. I doubt it. I doubt whether there will not be on the part of the country a conviction that the time is come when a vigorous exertion must be made—that the time is come when it is for the interest of property that property should bear the burden. My opinions may be overruled, and yet I have a confident belief that what occurred in 1835 may occur again; and that after the lapse of a short time—after making ineffectual attempts to repair the deficiency by other means—by resorting to indirect taxation, it will be ultimately acknowledged that the measure which I now propose is founded on reason and justice, and, though once rejected, ought to be adopted. But my conviction is that you, acting in consonance with the prevailing feeling of the country, will now adopt the measure, and that you will thereby give a proof to foreign countries—not that our resources are exhausted—but that you will not draw delusive distinctions between times of war and times of peace, but construe the times according to their necessities; and, disregarding plausible statements, you will, in a great financial exigency, adopt a bold, a direct, and an honest measure, which, so far from being misconstrued by foreign countries, will be hailed by them as a proof that the ancient vigour and energy of this people are yet alive, and that, whatever the difficulties they may be placed in, they are ready to triumph over them by the power of that vigour and that energy.

Lord *J. Russell* said, if, as I hope, we are now coming to a decision on this question [*Cries of* "*No!*"], well if we are not coming to a decision, though I hope we may come, I shall, however unwillingly, claim the attention of the committee for a short time, promising to confine myself to the question of an Income-tax, and reserving whatever I may have to say with respect to the commercial tariff, on which the right hon. Baronet has found it necessary to make some observations, to some future occasion when the tariff shall be proposed. The right hon. Baronet commenced his speech by some remarks on what fell from my hon. Friend the Member for Liskeard, as to the tone in which the right hon. Baronet addressed the House. If the right hon. Baronet's tone had always been in consonance with the speech he made on the first night when this subject was introduced to the House, or with the speech he has made this night, I do not think my hon. Friend would have felt it necessary to comment on the tone in which the right hon. Baronet addressed the House; but I certainly must confess, that on more than one occasion the tone adopted by the right hon. Baronet justified the observations of my hon. Friend. Let me recall to the recollection of the House what has occurred. The right hon. Baronet certainly could not complain of the reception given to his plan when first announced, and he did not complain of it. A few days afterwards my right hon. Friend who held the post of Chancellor of the Exchequer, and who has a right as much as any person in this House to ask questions with respect to financial measures, ventured to inquire what is the machinery by which this proposed measure is to be carried into effect. The right hon. Baronet not only refused an answer but refused it with a sneer. He produced great party cheers in the House at a time when there could be no discussion. It certainly annoyed and surprised me to find the right hon. Baronet so irritated on such a question; and I inferred, that as his difficulties were far less than Mr. Pitt's, he considered his equanimity might be proportionably less. Whatever may be thought of the principles of Mr. Pitt—and I am not one of his admirers—it must be admitted that in times of the greatest difficulty he did preserve an equanimity and serenity in the conduct of public affairs which was admired in his day, and must be admired by all generations to come. On the next night of the debate the right hon. Baronet was pleased to say, that he knew very well that we, on this side of the House, would oppose any measure he brought forward. That accusation is so puerile and trivial that no answer need be made to it; but it shows the tone and temper in which the right hon. Baronet is disposed to discuss this proposition. Having said, thus much in justification of my hon. Friend, I will now proceed to discuss the proposition before the committee. Now, let it be observed, that the right hon. Baronet has to-night clearly told us what the proposition is to be. We have been told by many persons speaking in support of the measure, that there were certain hardships and inequalities connected with it, and they hoped some changes would be made. The hon. Member for Westmoreland, expressed a hope that some modifications would be made, and that the word of a British merchant ought to be taken without an inquisitorial investigation. The hon. Member for Berkshire also expressed a desire for some modifications. Another hon. Gentleman has shown very clearly the inequality of this proposed tax in certain respects; for he proved, that with respect to an income of 21,700*l*., 15,000*l*. of which ought properly to be considered as capital, this being a terminable annuity, and only 6,000*l*. ought to be considered as income, the tax will fall not on the 6,000*l*. but on the 21,700*l*. Other hon. Members have brought under the consideration of the committee different points with respects to life interests. There is an obvious difference between a man making 500*l*. or 600*l*. a-year by exertions, which perhaps he could only continue for three years, and a person enjoying the same amount of income from a landed estate or from the funds, which he can transmit to his family. These were inequalities not only pointed out by the opponents, but also by the Friends of the proposition. The right hon. Baronet's answer is, that if such modifications were made, it would be better to abandon the tax altogether. For my part, I confess his reasons on this point are sound reasons. I have stated, before, that I should not join in any vote for the purpose of forcing modifications on the right hon. Baronet, for though I do not expect that a direct opposition to this tax could be successful, yet if I modified it, I should become responsible to a certain degree for it. I should be taking it out of the hands of the right hon. Baronet and producing other inequalities, which I should be totally unable to remedy. If I had felt certain, that there was only one species of inequality, terminable annuities, or anything else that could be remedied by a vote in this House, I should not have objected to the measure on account of those inequalities; but as I do feel that the right hon. Baronet is correct in his argument, that you could not attempt to remedy one inequality without leaving many others, which you will find as varied and as oppressive, I shall not be inclined to vote in favour of any of those modifications. The hon. Member for Bath, who has spoken so ably to-night suggested, and I have seen it suggested elsewhere, that you should take a valuation, as they do in life-insurance offices, with regard to each individual of the capital he possesses, the circumstances of his life, the chances to which it is subject, and the income he enjoys. Why, I agree with the right hon. Baronet, that if you are to attempt to do that which may be done as between life offices and individuals, if you are to do that as between the Government and the whole of the community, you will be doing that which will place the fortunes of the whole of the community at the disposal of the Executive, and will lead to more inquisition, more inequality, than you can possibly remedy. Why, then, I concur in that part of the conclusion, that you must take this proposition as it is—that the committee and the House must be prepared to deal with the proposition as it now stand, but taking it as it now stands, it has every kind of inequality attached to it. Those inequalities you cannot remedy; and when the right hon. Baronet says, that you will only get into fresh difficulty if you alter his proposition, that leads me to a conclusion that you must take the proposition as it now stands. That leads me, I say, to the conclusion, that such inequalities are only tolerable in times of extreme danger to the country—in times of extreme necessity; and for no such danger as now exists, for no such necessity as there is now, ought we to establish by law these inequalities in taxation. The question is, whether there is in the public necessities that which would make you agree to such a tax. The right hon. Baronet stated, in referring to authorities, that there were authorities in favour of such a tax as a permanent tax, but there are authorities likewise on the other side of the question. There were at the conclusion of the war statements made with respect to the intentions of that Government whose acts the right hon. Gentleman is about to copy—I mean the Government of 1806, of which Lord Grey and Lord Grenville were the leaders, and the Marquess of Lansdowne was the Chancellor of the Exchequer. A discussion took place in the House of Lords, in 1816, upon the statement that was made with regard to the intentions of the Ministers to continue the Income-tax in times of peace. The Marquess of Lansdowne took up that question, and showed very conclusively that all the resolutions in that House, and all the speeches that were made came to an opposite conclusion, and he ended with saying:—

"He had proposed the continuance of the tax in 1807 as a war-tax strictly, without the least idea of continuing it during peace; and he was now decidedly of opinion, that there was nothing in the domestic situation of the country, nothing in the state of Europe, which called for its continuance, nor could he consent, even in the event of an insecure peace, that this tax should be continued. It was only called for by the pressing exigencies of war, and with the war it ought to terminate."

Lord Grenville spoke afterwards, and, if possible, was more emphatic in his language. His Lordship said,—

"In this situation their Lordships were told by his Majesty's Government that it was fit to continue the Property-tax, which the noble Earl assured them Parliament had entered into no engagement not to continue. But he appealed to their Lordships and to the country whether, when his Majesty's Government last year submitted to Parliament the expediency of once more enduring that odious and inquisitorial measure, the universal impression was not that it was to be continued only for the war."

The right hon. Baronet has found fault with us for calling it an inquisitorial and odious tax, and says, that if you think so you ought at once to reject it; but those were the terms in which Lord Grenville designated this tax. The tax may be odious and inquisitorial—it may be unequal—it may be unjust, but it may be preferable to foreign invasion—to the loss of our independence, to evils hanging over our country; in that sense it might be perfectly justifiable. I think it was justifiable both in Mr. Pitt, by whom it was originally created, and in the Government of 1806, to continue and increase it; but that by no means proves that there is now such a public necessity for this tax. It is almost impossible to compare the two situations of the country. At that time there was the mutiny at the Nore, rebellion in Ireland, the republic in France, presenting, as described by Mr. Wyndham, sometimes principles for its arms, and sometimes arms for its principles; and sometimes, like chain-shot, presenting both together. Napoleon was extending the government of France over Switzerland. Italy was within her grasp, and she seemed aiming at the dominion of Europe. At that time this country was obliged to go to war to maintain its independence and power. That was the period at which this tax was imposed. In 1806, Napoleon had succeeded by an astonishing victory in his game of conquest; he had gained the battle of Jena; the monarchy of Prussia was at his feet; and so arrogant had he become, that terms of peace were hardly to be accepted or concluded. At that time this country was called upon for a renewal and increase of the tax; but is there anything of public necessity now in any way to be compared with that period? It would be almost ridiculous if I were to compare the two. Whatever may be the position of our troops in Affghanistan, whatever may be the expense of the war in China, would it not be absolutely ridiculous if I were to institute a comparison between the circumstances I have just mentioned and those in which the country is now placed. The right hon. Gentleman spoke of the war in Affghanistan. No question was ever made in that House of the policy of that war. The right hon. Baronet, the Member for Dorchester, gave a notice of motion upon this subject, but he afterwards withdrew that notice. I do not quote that as any approbation of the war. I only say I think there has been no public disapprobation formally expressed by a minority of this House; but even if the right hon. Gentleman opposite had formally disapproved of that war, I quite concur with him that you must now maintain your power, and make every effort that may be necessary for that purpose. But I have the greatest confidence, although I think the right hon. Gentleman is right in making that effort, that before any reinforcement will reach that country, that the immediate disasters may be repaired by British arms and the commander of the forces there. With respect to China likewise, whatever difficulty you have in obliging the government of that country to form a treaty of peace, this, at least, you may rely on, that no efforts which the Chinese government or their army or navy can make, will at all affect the distant possessions of her Majesty. With respect to these occurrences, I observe a great difference in the arguments used by hon. Gentlemen on the Ministerial benches, according to the purpose immediately in view. When the purpose is to throw blame on the late Government on account of the finances, then the state of lamentable deficiency during peace is urged in such language as her Majesty was advised to make use of in her speech. But when the purpose is to make out a case for the Income-tax, then this peace immediately becomes hostilities, and very costly hostilities. You cannot take it both ways; if you take the latter part of the proposition and say, there are hostilities in Canada, in China, and in Affghanistan, don't make it a matter of blame to us that the usual consequences of hostilities in which this country may be engaged should happen, and that their efforts and naval and military expenditure will exceed your revenue. But if you take it on the other hand, and use common parlance, that which is ordinarily used, and apply the term "at peace," to the great powers of Europe and the United States of America, and say nothing as to the state of France, Austria, Prussia, or the United States, which portend hostilities, and therefore you are at peace, don't tell me that it is on account of dangerous hostilities that you ask for an Income-tax. One at least of these two courses must be taken, and I should hope that you may decide by your vote to-night that we are at peace; that the late Ministers may be blameable for this deficiency in the finances, but being at peace that there is no necessity for this tax. But as I cannot think these distant hostilities form a sufficient ground for an Income-tax, I consider the tax really is imposed on account of a deficiency of two millions and a half in the revenue—it comes simply to that. Sir, I will allow, that during this year, and, perhaps, we may say for three or four more, our establishments will be above our ordinary revenue by about two millions and a half. Now, granting that to be the case of our finances, is it a sufficient ground for imposing the tax? Sir, I think my right hon. Friend, the late Chancellor of the Exchequer, showed clearly that it was not. I do not wish to go over the same ground, or advert to the points on which he has not received any answer; but I believe he has shown that about 25,000,000*l.* of taxes have been reduced; even without reckoning taxes on articles of general consumption—such as salt, leather, &c.: I find hundreds of thousands of pounds have been surrendered at various times upon objects which, I think, now might be again taxed with far less of evil and suffering to to the country at large, than with your Income-tax. Sir, I find, in one year, as to taxes on male servants, four-wheeled carriages, two-wheeled carriages, and riding-horses, amounting to no less than 700,000*l.* have at various times been given up, from the assessed taxes; and I do say it would be a far preferable course to reimpose these taxes, than now to inflict this Income-tax. Sir, the right hon. Gentleman found fault with my right hon. Friend for not estimating, in his account of last year, the increase of the sugar duties. But the right hon. Gentleman compared last year with the year before, a year of remarkable difficulty, and of a deficiency in consumption to the extent of not less than 230,000 cwt.; so that it was clear that the right hon. Gentleman ought to have made his comparison with a year of ordinary consumption, not with one of remarkably diminished consumption. I think my right hon. Friend was quite correct in saying that, with a moderate duty on corn, with a diminution of the prohibitory duty on sugar, and with a re-adjustment of the timber-tax, you might secure a very great portion of the requisite addition to your revenue. My right hon. Friend stated it as about 1,700,000*l.* You might take it at less, but even taking it at less, you would very much diminish the amount of deficit; and, taking the deficiency at 2,500,000*l.*, if my right hon. Friend's calculations be correct, you would only have to provide less than half that amount, or about 1,250,000*l.*, to which, indeed, must be added the amount of your tariff reductions, with respect to some of the articles of which, I think they might be postponed, in consequence of the great loss they will occasion to the revenue, rather than you should resort to the measure you suggest. Sir, the hon. Member for Bath was pleased to say, that in opposing this measure we were hunting after popularity. Now, it is easy, with regard to any subject on which there is a popular opinion, to make out an accusation. On this subject I believe that among the working classes there is an impression—a very unfortunate impression, I think—that this is a tax chiefly to be paid by persons of landed or monied property, and that it will not fall upon the masses of the community. I think, Sir, they will find at some time that if you diminish the means of employment—the means by which the working classes may obtain good wages—you do as greatly injure those classes as if you imposed a direct tax upon them. But I do not think, Sir, that with regard to the measures which we have supported, we can justly be charged with hunting for popularity. Was it for the sake of popularity that we for so many years contended in favour of the Roman Catholics? Nothing could have been more unfortunate at those times than the Catholic cause; for advocating which, many of us were considered as having a design to bring in the Catholic religion. Then again, as to the New Poor-law: was it for the sake of popularity that we introduced and carried that measure? And if we have introduced and are prepared to contend for measures that may have been unpopular at the time, because our principles led us to the assertion of such measures, I will not shrink from the assertion of others which may be more popular, merely because we are told that popularity, not the good of the country, is our object. It has been my part, in the course of public duty, to advocate sometimes measures to which popular odium attached, and at other times measures of which the public approved. In the case of the Reform Bill, great popularity attached to the course which we pursued; but I was not more in favour of the Reform Bill than I have been of other measures to which no such popularity attached. I shall therefore, Sir, pursue my duty in this House. I believe, with the right hon. Gentleman, that our opposition to this tax will be unsuccessful. But I believe that the people of this country are at present not aware of the nature of the tax—not aware of the nature of the evils which it inflicts—of the inquisitorial nature of its operation, and of the unfairness which is inherent in its nature. I believe, if we assented lightly to the enactment of this tax, that, when its evils came to press upon the people, those who have sent us here would have just ground to reproach us that we had not raised our voices against it. They would say, "We might have been mistaken as to the operation of such a tax, but you who have considered these things—you who have been sent to Parliament in order to consult our interests—you, at least, should have raised your voices in opposition to such a tax; we should not then have had to find that we had been deserted." It is in order that I may have no such reproach upon me, and that those who act with me may not have such a reproach against them, that I am determined to oppose this tax. Come great danger!—come a crisis which shall require the enactment of an unequal, unjust oppressive, and inquisitorial tax, and I know that even these evils will be borne rather than suffer any risk to the honour or independence of the country. But, if you call upon the country to make these efforts when they are not necessary —if you do not reserve your energies for the period when they may be imperatively required — in the days when it may be necessary for you to call for such extraordinary aid, the people may be indisposed to listen to your professions, and they may be more inclined to say, not unnaturally, " Why, in former times you asked us to make these efforts, and upon examination found that no public necessity existed for such exertion." I say, therefore, Sir, do not let us abandon this resource as an aid in times of imminent exigency. Be its evils what they may, it is one of the resources of the country. But, in order that you may preserve your power over it—that you may, whenever it is necessary, be enabled to impose it on the country with universal acquiescence—do not now, in times when there is no danger, call for an effort which the people will soon find to be oppressive; and for the evils of which they will justly reproach you, as having imposed it on them.

Mr. *Benjamin Wood* rose to complain of the inequality of the operation of the proposed Income-tax, and the various abuses it would be subject to. He instanced a case which occurred in 1814 or 1815, of a gentleman who carried on very extensive mining works in the county of Cornwall, from which in one year he realised a profit of 25,000*l.* He also carried on an extensive shipping trade, and in the year in which he had gained 25,000*l.* from his mines, he lost 25,000*l.* in the other department of his business. Now, common sense would suggest that the loss in this case should be put against the gain, But it was not so with the Income-tax which then existed. The individual in question was made to pay income-tax on the 25,000*l.*, the profit of his mines, and he had actually paid the 25,000*l.* for him. Such a tax, working on such principles, he thought that not even war could justify. The right hon. Baronet had said, that he could not raise the sum necessary to make good the deficit in the revenue by any other means than those which he proposed. But he would ask him how much he lost by not adopting the 8*s.* duty on corn in the year 1841? In that year 2,400,000 quarters of corn were entered at 2*s.* 8*d.* of duty, and thus nearly a million of money was lost to the nation not more than eight months ago. He thought that under such circumstances, it was to the last degree improper that the right hon. Baronet should come forward and ask the country to submit to such taxation as he now proposed.

Mr. *Cobden* said, that the right hon. Baronet at the head of her Majesty's Government, had that night given certain explanations of his reasons for imposing an Income-tax upon the country. The reasons deserved mature consideration, and recollecting that they were then on the eve of an adjournment, when they would have, in many cases, to meet their constituents—when they would have an opportunity of taking their opinions upon the question, and recollecting too, that that question involved the proposed tariff and also the point of the Corn-laws, although, indeed, the latter question had been separated from it by the right hon. Baronet—recollecting those circumstances he did think that it would be the most convenient course for the House — the most convenient course for the constituents of the Members of that House, if they now adjourned the debate until after Easter. The right hon. Baronet had expressed his conviction that the country was with him on this question. Now, if they had the opportunity of consulting their constituents, and found them, upon so doing, to be in favour of the measure, such a course, he believed, would be productive of a great saving of time in the future discussions which might take place on the question. He, therefore, moved that the chairman do now report progress, and ask leave to sit again.

Mr. *Vernon Smith* said, that he hoped the House would consider his motive for adopting the course which he intended to pursue on the present occasion. On the last occasion, when a vote of this description was before the House, they had heard nothing in defence of the measure proposed by the right hon. Baronet. On the present occasion, however, the right hon. Gentleman had made a speech which, if he had made on Monday last, would have prevented him from voting for the adjournment on that evening. He had entered into the discussion and into the defence of his measure. None of his supporters had spoken, but if he (Sir R.

Peel) had chosen to take the labour entirely upon himself, it was not the part of hon. Gentlemen on his side of the House to complain. They had also heard the speeches of three independent Members of the House who generally supported the right hon. Baronet, but who on this occasion, while they declared against his measure in their speeches, yet announced their intention of supporting it by their votes. Thus their (the Opposition's) position was altered, and he did think that after the occurrences of the evening, they could not say, that there had not been a discussion upon the subject. Instead of receiving answers such as they had obtained; instead of being referred to the act of the Marquess of Lansdowne, when they enquired as to the machinery proposed to be employed in levying the Income-tax, they had heard the views of the right hon. Baronet fully developed upon the subject. He, believed, that under all these circumstances, after the adjournment of the previous evening, which had demonstrated that a minority could prevent a Minister, although backed by ever so powerful a majority, from carrying through a measure in the style in which the right hon. Baronet had attempted to pass his. He thought that, under all these circumstances, they stood in a different position from that which they had occupied, and having himself on the previous evening zealously supported the adjournment, he hoped, that on the present occasion his hon. Friend would not press his motion.

Mr. *T. Duncombe* said, that he should support every motion in favour of adjournment, for the same reasons which he had given the other evening, and which if they were valid then, were also valid now. They then asked for an adjournment, in order to allow the country to have time to deliberate upon the proposition before the House, and the country had not yet had that time. But the hon. Gentleman who had just sat down had stated, that they were in a different position from that which they had stood in on Monday evening last. And how was that proposition supported? Why, it appeared, that the right hon. Baronet had spoken. Well, so he had on evenings previous to that of Monday; and he hoped that they should also hear him on many future occasions. But another argument of the hon. Gentleman was, that the House should come to a resolution, because the Gentlemen—independent Members, he believed, the hon. Gentleman called them — had expressed their opinion against the right hon. Baronet's measure, but meant to vote in favour of it. If there was any reason that the House should attend either to these hon. Members' votes, or their speeches, he thought that it might be as well to give them the Easter holidays for deliberation, and after that time had elapsed, it was not unlikely that their votes and their opinions would grow rather more consistent. It might be said, that they would not be placed in a worse position by agreeing to the resolution than that which they now occupied. He did not think so. By agreeing to the resolution, the House was committed to a great principle. What had the hon. Member for Dover, the ex-Governor of the Bank of England said that evening? Why, he had called upon the right hon. Baronet not to flinch—to finish the business that night, and he would stake his valuable existence that the commercial interests would be content with his measure. Well, then, what did the noble Lord, the Member for the City of London, say in opposition to the assertion of the ex-Governor of the Bank of England. He said, that the people did not understand the nature of this measure, and upon his showing, therefore, the House ought not to come to a division. Another motion had been made, that the old bill imposing the Income-tax should be reprinted, in order that the people might have an opportunity of seeing the machinery with which it was proposed to work the new bill. Such an operation would take some days to execute. Then he would place the reprint in the hands of the country, allow them to study it well, and he was very sure that the people would not come to the conclusion—that the commercial interest would not come to the conclusion, that the adoption of the Income-tax would tend to their benefit. Looking at the proposed measure in every point of view, looking at the hypocritical pretence that it was for the benefit of the working classes, he would tell them, that the working classes in towns were not misled as some of those in the country might be by the measure—the working classes in the great towns, he repeated, knew the measure of relief which was proposed to be meted out to them. They knew that this was what the Government said to them: "We leave you in the position in which we have found you—we admit that you are in very great distress—we shall leave you to bear it—we shall not lay additional burdens upon your shoulders, but we shall relieve you by bringing down to your level those who are immediately above you." That was the consolation offered to the working classes; the bringing down to the same abyss of misery the classes immediately above them. Did hon. Members opposite believe that would be a consolation to the working classes? Hon. Members might deny the correctness of his assertions, but he reiterated that he spoke the truth, and the country would decide between them. The right hon. Baronet had said that he did not regret—that he did not deprecate the course which had on a previous evening been taken with respect to the motion for adjournment. He, therefore, hoped, that the right hon. Baronet could not regret or deprecate that course now—and, therefore, as the right hon. Baronet could not disapprove of his saying so, he most sincerely hoped his hon. Friend would persevere in his motion.

Viscount *Howick* expressed great regret at the course which hon. Members on his side of the House were about to take, for he thought it was not calculated to give effect to the opposition which he in common with them desired to give to the measure. They were told that it was necessary for the country to have time to consider and understand this measure; but, considering that this was only a preliminary resolution, and that the bill was yet to be brought in, the country would have had a much better opportunity of judging of the measure, and the House would have proceeded to the discussion of it with greater advantage had the right hon Baronet been permitted to take a division on a former evening, and to have introduced his bill. He saw no validity, then, in this objection, more especially when he remembered that on a former evening, at the early hour of eleven o'clock, there was a pause in the debate, and no hon. Gentleman seemed disposed to continue it. It was true that the minority might persist in forcing a division upon the question of adjournment; but this was a power which ought to be used cautiously and carefully, and only on very important and necessary occasions. The abuse of this power might lead the House to consider the necessity of putting an end to it. Let hon. Gentlemen remember wha had been done in regard to the presenta tion of petitions; long and desultory discussions had led to the establishment of a rule for prohibiting discussions on the presentation of petitions. Let hon. Gentlemen consider whether this privilege which the minority possessed ought to be exercised in a manner which might endanger it. If the right hon. Baronet found it necessary to divide against the motion for the adjournment, he should vote with him.

Mr. *Wakley* would not attempt to say anything new upon the subject; he was aware that he could not do so. But he rose to speak in support of the adjournment solely on public grounds. The proposition of the right hon. Baronet was one of such enormous magnitude, either for good or for evil to the country, that he really thought the majority ought most willingly to consent to the adjournment, and he hoped the right hon. Baronet would accede to it. It was only on Friday se'nnight that the proposition was made, therefore the country could not have had time to consider it. Did hon. Gentlemen believe that it was popular with the working classes? He would read to them a paragraph or two from an address to the working classes published in the *Northern Star* newspaper. ["*Oh, oh.*"] Why, that paper was read by thousands of the working classes. What was the language? ["*Date, date.*"] March 19th, and it was written by Mr. Feargus O'Connor. ["*Oh, oh.*"] Why, he was a leader of the millions of the working classes. [*Laughter.*] Let hon. Gentlemen consider the sort of language which was addressed to the labouring people:—

> "But here is the important point of Sir R. Peel's budget" (says Mr. O'Connor)—"he admits live-stock into this country at a mere nominal duty, 1*l.* for an ox, 15*s.* for a cow, and 10*s.* for a calf, which in Parliamentary language means a young beast."
>
> "There was a prohibition to this description of stock before, except for breed, at an immense high duty. He also admits salt and cured meat at a duty of 1*d.* per pound. Now, this is the wedge. The effect of this will be, that cattle both fat and store will be sent from Holland, Belgium, and parts of France, at one-half the present price. A Dutchman or a Frenchman can pay the duty and freight and send cattle into the English market at a much cheaper rate than Scotchmen and Englishmen, living at a great distance from the

market, and Irishmen can; and America can send us store provisions for much less than half the present price; in fact, if I were asked to frame a bill for the complete and entire dissolution of society as at present constituted, agricultural, manufacturing, commercial, trading, governmental, fiscal, moral, and physical, I should say, I would not make a single alteration in the budget of the right hon. Baronet. It will sponge the debt; break the landlords; pay off the creditors."

Now, seeing that this kind of language was addressed to the labouring people by those who had influence over them, would the right hon. Baronet urge on his measure with such indecent haste?

Mr. *Curteis* raised his voice for the purpose, he said, of stating in justification of the vote he should give in favour of the adjournment, that he had received a letter from a gentleman connected with the agricultural interest, Mr. Selmes, a gentleman well known to the hon. Member for East Surrey and to the public as a competitor with Earl Spencer in the show of cattle; that gentleman declared that the measure of the right hon. Baronet had created quite a panic in his neighbourhood, and that he would sooner have a perfectly free-trade in corn than the proposition of the right hon. Baronet. That gentleman went on to state that the people in his locality were preparing to oppose the measure with all their might. If the hon. Member divided the House, he would vote for the adjournment, and he should consider that he was perfectly justified in doing so. He would not give his vote to embarrass the right hon. Baronet; but as his constituents were conferring on the subject of the tariff, he thought it was his duty to obtain as much time as he possibly could for them. If the House would listen to him for a moment, he could show the right hon. Baronet that his propositions had created a panic throughout the agricultural districts respecting the admission of foreign stock. His constituents were deeply interested in the matter, for they were removed only six hours from the port of Boulogne, and in that short time the port of Rye might be filled with foreign beasts. If he could find only ten hon. Members to go out with him, he would remain and divide the House till that time to-morrow.

Mr. *M. Gibson* wished merely to correct a misapprehension under which the noble Lord the Member for Sunderland seemed to labour. When the motion was made the other night for the adjournment it was not because there were not plenty of Gentlemen ready to speak to the question before the House—the reason why they did not was because the hon. Member who moved the adjournment first caught the eye of the Chairman, and the others left the House. He really thought the hon. Member for Stockport had made a most reasonable proposition, and he would vote for the adjournment. They were told that they would have other opportunities for debating the question; but when the House had voted upon the resolution, they would have committed themselves, and they ought not to do that without giving the country time to express an opinion upon it.

The committee divided on the question that the Chairman report progress:—Ayes 87; Noes 290: Majority 203.

List of the AYES.

Aglionby, H. A.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfeild, W.
Byng, rt. hn. G. S.
Cave, hon. R. O.
Colborne, hn. W. N. R.
Colebroke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Curteis, H. B.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Duncan, G.
Dundas, Admiral
Dundas, hon. J. C.
Easthope, Sir J.
Ellis, W.
Elphinstone, H.
Ferguson, Col.
Fitzroy, hon. C.
Gibson, T. M.
Granger, T. C.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hawes, B.
Howard, hn. J. K.
Humphery, Mr. Ald.
Jardine. W.
Johnston, A.
Leader, J. T.
Marjoribanks, S.
Marshall, W.
Martin, J.
Maule, right hon. F.
Morris, D.
Mostyn, hn. E. M. L.
Murray, A.
Napier, Sir C.
O'Brien, C.
O'Brien, J.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Col.
Pechell, Capt.
Philips, M.
Pinney, W.
Plumridge, Capt.
Powell, C.
Power, J.
Pulsford, R.
Rennie, G.
Ricardo, J. L.
Russell, Lord E.
Scott, R.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, B.
Somers, J. P.
Stuart, W. V.
Strutt, E.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Villiers, hon. C. P.
Villiers, F.
Wakley, T.

Ward, H. G.
Wason, R.
Wilde, Sir T.
Williams, W.
Wood, B.
Wood, G. W.

TELLERS.

Cobden, R.
Duncombe, T.

List of the NOES.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Aldam, W.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arbuthnott, hn. H.
Archdall, M.
Arkwright, G.
Ashley, Lord
Astell, W.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Baird, W.
Balfour, J. M.
Bankes, G.
Barclay, D.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barrington, Visct.
Beckett, W.
Benett, J.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Bulkeley, Sir R. B. W.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Byng, G.
Campbell, Sir H.
Cardwell, E.
Carnegie, hon. Capt
Cavendish, hon. C. C.
Cavendish, hn. G. H.
Chapman, B.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn.SirG.
Collett, W. R.
Compton, H. C.
Coote, Sir C. H.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Crosse, T. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, J. E.
Dickinson, F. H.
Disraeli, B.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Douro, Marquess of
Duke, Sir J.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Ffolliott, J.
Forester, hn. G. C. W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Hale, R. B.
Halford, H.
Hamilton, W. J.
Hamilton, Lord C.
Harcourt, G. G.
Hardinge, rt.hn. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hobhouse, rt.hn. Sir J.
Hodgson, R.
Hogg, J. W.
Holdsworth, J.
Houldsworth, T.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Howick, Visct.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Johnson, W. G.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Labouchere, rt. hn. H.
Langston, J. H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. General
Macaulay, rt. hn. T. B.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morison, General
Morrison, J.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Nicholl, right hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pigot, Sir R.
Polhill, F.
Pollock, Sir F.
Ponsonby, hn. C. F. A.
Ponsonby, hn. J. G.
Pringle, A.
Protheroe, E.
Pusey, P.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Russell, C.
Russell, J. D. W.
Ryder, hon. G. D.
Sandon, Visct.
Scarlett, hon. R. C.
Scott, hon. F.
Seymour, Sir H. B.
Shaw, rt. hon. F.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hn. R. V.
Somerset, Lord G.
Somerton, Visct.
Somerville, Sir W. M.
Sotheron, T. H. S.

Stanley, Lord
Stanton, W. H.
Staunton, Sir G. T.
Stewart, J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tancred, H. W.
Taylor, J. A.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hn. F J.
Tollemache, J.
Tomline, G.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Wilbraham, hn. R. B.
Wilshere, W.
Wodehouse, E.
Wood, C.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hon. J. S.
Wrightson, W. B.
Wyndham, Col.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Baring, H.

On the question being again put,

Mr. *H. Berkeley* moved that the Chairman do leave the Chair.

Mr. *Curteis* appealed to the right hon. Baronet to know whether they were to remain there, as once on the occasion of the Reform Bill, till the sun shone upon them in the morning? There was no discourtesy meant, and he hoped the right hon. Baronet would yield.

The Committee again divided. Ayes 84; Noes 225: Majority 141.

List of the Ayes.

Aglionby, H. A.
Bannerman, A.
Barnard, E. G.
Bernal, R.
Blewitt, R. J.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Busfeild, W.
Byng, rt. hon. G. S.
Cave, hon. R. O.
Chapman, B.
Cobden, R.
Colborne, hon. W. N. R.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
D'Eyncourt, right. hon. C. T.
Duff, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, hon. J. C.
Easthope, Sir J.
Ellis, W.
Elphinstone, H.
Ferguson, Col.
Fitzroy, Lord C.
Gibson, T. M.
Granger, T. C.
Hall, Sir B.
Harris, J. Q.
Hastie, A.
Hawes, B.
Howard, hon. J. K.
Jardine, W.
Johnstone, A.
Leader, J. T.
Marjoribanks, S.
Marshall, W.
Martin, J.
Maule, right hon. F.
Morison, Gen.
Mostyn, hn. E. M. L.
Murray, A.
Napier, Sir C.
O'Brien, C.
O'Brien, J.
O'Connell, M. J.
Ogle, S. C. H.
Pechell, Capt.
Philips, M.
Pinney, W.
Plumridge, Capt.
Powell, C.
Power, J.
Pulsford, R.
Rennie, G.
Ricardo, J. L.
Russell, Lord E.
Scott, R.
Scrope, G. P.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, B.
Somers, J. P.
Stuart, W. V.
Strutt, E.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Villiers, hon. C. P.
Villiers, F.
Wakley, T.
Wason, R.
Williams, W.
Wood, B.
Wood, G. W.

TELLERS.
Berkeley, hon. H. F.
Curteis, H. B.

List of the Noes.

A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Aldam, W.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, M.
Arkwright, G.
Ashley, Lord
Astell, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Beckett, W.
Benett, J.
Bentinck, Lord G.
Beresford, Major
Bernard, Visct.
Blackburne, J. I.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, Sir J. Y.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Cavendish, hon. C. C.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Collett, W. R.
Compton, H. C.
Copeland, Mr. Ald.
Corry, rt. hon. H.
Courtenay, Visct.
Cripps, W.
Crosse, T. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Duke, Sir J.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, Lord F.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Ffolliott, J.
Forester, hn. G. C. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Gore, W. R. O.
Goring, C.
Graham, rt. hon. Sir J.
Granby, Marquess of
Greenall, P.
Gregory, W. H.
Grimsditch, T.
Grimston, Visc.
Hale, R. B.
Halford, H.
Hamilton, W. J.

Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Houldsworth, T.
Holmes, hon. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Langston, J. H.
Law, hon. C. E.
Lawson, A.
Legh, G. C.
Leicester, Earl of
Lincoln, Earl of
Lockhart, W.
Lowther, J. H.
Lyall, G.
Lygon, hon. Gen.
McGeachy, F. A.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin, C. W.
Martin, T. B.
Martyn, C. C.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Mundy, E. M.
Murray, C. R. S.
Neeld, J.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
Owen, Sir J.
Packe, C. W.
Paget, Lord W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pigot, Sir R.
Polhill, F.
Pringle, A.
Protheroe, E.
Pusey, P.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, C.
Russell, J. D. W.
Scarlett, hon. R. C.
Scott, hon. F.
Shaw, rt. hon. F.
Shirley, E. P.
Sibthorp, Col.
Somerset, Lord G.
Somerton, Visct.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tancred, H. W.
Taylor, J. A.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tomline, G.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Visct.
Vivian, J. E.
Wilbraham, hon. R. B.
Wilshere, W.
Wodehouse, E.
Wood, Col.
Worsley, Lord
Wortley, hon. J. S.
Wyndham, Col. C.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Baring, H.

On the question being again put,

Mr. *Bernal* moved, that the Chairman do report progress, and ask leave to sit again.

Sir *R. Peel* said, there had been two divisions the other night on this question, and he thought the time had arrived when the House might with propriety either affirm or reject the resolutions. The sense of the House had been sufficiently manifested. He must foresee the necessary termination of such a contest, but he protested against such a course of proceeding. He thought he might be allowed to bring in the bill, that the House might see the machinery by which he proposed to move some of the causes of complaint. No inferences could be drawn by reference to the act of 1806, and it would be far better to have the bill before them. Foreseeing, however, as he had stated, how such a contest must inevitably end, he would not trouble the House by pressing another division.

Mr. *W. Cowper* was understood to say, that they had at last gained the advantage of allowing their constituents to express their opinion. He, for one, had received from his constituents their impressions upon the subject; and he believed every constituency, when they had the opportunity of becoming acquainted with the details of the measure, would unequivocally express their sentiments against it. He, therefore, should vote to give them the utmost time to consider it.

Mr. *Cobden* was anxious to prevent the spread of a misapprehension which might possibly go forth upon the statement just made by the right hon. Baronet. The right hon. Baronet threw upon the Opposition the responsibility of the delay which would be occasioned by their not coming to a division upon the resolution that night. He apprehended that it would not be competent to the right hon. Baronet to bring in his bill, even if the House had allowed the vote upon the main question to be taken. The House at its rising was to adjourn till Monday the 4th of April: the resolution, therefore, if adopted by the House, could not be reported; and for the same reason no bill founded upon it could be introduced. It was only just to the country and to the hon. Gentleman who had voted for the adjournment, to observe, that no real delay was occasioned in the progress of the measure by the course which had been adopted.

Colonel *Sibthorp* could entertain no doubt as to what was the real object of the hon. Gentlemen opposite. If he mistook not one of them, the hon. Member for Perth (Mr. Fox Maule), had had the frankness to declare that his object in protracting the debate on this resolution was delay and not discussion.

Mr. *Fox Maule*, having been thus directly alluded to, had no hesitation in declaring that he did, on Monday last, state that delay in this matter was his primary object. He had voted in accordance with that statement, and would not now stultify himself by taking any other course. A majority of the House might assume to itself the office of accusers upon the point of faction. A majority of the House might charge a minority with factious motives. He was quite willing to refer that point to the judgment of his constituents. He hoped to be amongst them in the course of eight-and-forty hours, and he was under no apprehension of receiving a rebuke from them for the votes he had given upon this subject.

The question that the Chairman do report progress, agreed to.

The House resumed: the Chairman reported progress. The Committee to sit again on Monday, the 4th of April.

House adjourned to April 4th.

HOUSE OF COMMONS,

Monday, April 4, 1842.

Minutes.] **Bills.** *Public.*—2°. Licensed Lunatic Asylums; Dublin Police; Drainage (Ireland).

Reported.—Mutiny; Marine Mutiny.

Private.—2°. Glasgow and Redburn Bridge Road; Ardrossan Harbour; Drogheda Harbour; Inchbelly (Glasgow) Roads; Kirkintilloch Roads (No. 1); Huish Champflower, &c. Inclosure.

3°. and passed:—Bradford (York) Waterworks.

Petitions Presented. By Mr. J. Bailey, from the Glove Makers of Great Torrington, against the proposed Reduction of the Duty on Gloves.—By Captain Gordon, from Aberdeen, and other places, against the proposed Reduction of the Duty on the Importation of Cattle.—By Mr. Strickland, from the Millers of Preston, Lancashire, against the Importation of Foreign Flour.—By Mr. Hardy, from York, Lancashire, Derby, and Oxford, against any Grant to Maynooth College.—By Mr. V. Smith, from the Belfast Anti-Slavery Society, against Domestic Slavery in the East Indies.—By an hon. Member, from Alloa, against the Reduction of the Duty on Baltic Timber.—From Newcastle-upon-Tyne, for Exempting from Duty Coals Exported in British Ships for the use of Steamers Navigating under the British Flag.—From Evesham, Northallerton, and Newcastle-upon-Tyne, against Reduction of Duty on Foreign Leather.—From Parishes in Cambridge, against the Poor-law Amendment Act.—From S. Millard, for Inquiring into the Management of County Lunatic Asylums.

The New Tariff.] Mr. *R. Currie* wished to put a question to the right hon. Baronet (Sir Robert Peel), in reference to his proposed financial and commercial alterations. He begged to say, that he asked the question from no party motives; but simply because the reply might regulate the course he should feel it his duty to pursue, on the House going into committee to consider them. When the right hon. Baronet brought forward his financial proposition, he stated in the most explicit manner that it was his intention to stand or fall by its rejection or adoption. The question he wished to ask was, whether the right hon. Baronet's declaration applied to the main principles of the tariff in the same force as it applied to the imposition of an Income-tax? Of course he did not mean to ask the right hon. Baronet to pledge himself to all the details of the tariff; for it was quite evident that subsequent information and consideration might induce the Government to make alterations in the details; but what he wanted to know was, whether the right hon. Baronet meant to uphold the main principle of the tariff—namely, the reduction of duty on articles of general consumption, and especially on food and cattle, with the same firmness and determination as the right hon. Baronet intended to uphold the principle of his proposed tax on income?

Sir *R. Peel* stated in reply, that he certainly had said, as the hon. Gentleman represented, that the Government, in bringing forward so important a measure as the proposed Income-tax, for the purpose of relieving the country from its financial embarrassments, brought it forward as a Government measure, and on the whole responsibility of the Government. When it was considered that the proposal of the Income-tax was to become the foundation of the financial and commercial policy of the Government, he felt it to be evident that the measure was of such importance that its failure must decide the fate of the Government. He was sure hon. Gentlemen would not take advantage of this declaration, and apply it rigidly to every detail. He spoke of the Income-tax as the foundation of the financial and commercial policy of the country; and he said, that with respect to the details, in the mode of collection, for instance, there were modifications which he intended to propose. With respect to the tariff, there were of necessity many persons whose interests were affected by it; and he must reserve to himself the power of communicating with them, and making such modifications in the details as might appear desirable. He had brought forward these measures, financial and commercial, as a whole, and with the sincere desire and intention to do justice as far as possible between the producing and commercial classes of the community. Subsequent reflection had confirmed him in the opinion, that though the tariff affected many interests, yet that, on the whole, the arrangements he had proposed were just, and it was his intention, with reference to the general principle of the measure, to uphold them.

Lord *J. Russell* said, that an amended edition of the tariff, having errors of the press corrected, and containing many alterations, which on consideration might be deemed advisable, had been promised to be ready on the meeting of the House. He wished to know whether this amended edition were now ready, or whether it would be soon prepared?

Sir *R. Peel* had stated generally he could not lead the House to expect any important alteration in the tariff. Various trades were, however, anxious to state their views to the Government, and those communications were still going on. It was desirable that the Government should have an opportunity of hearing an explanation of the views of the different parties before reprinting the tariff, which would be done at as early a period as possible. He would undertake to say, that all the parties, or the greater portion of them, who asked interviews with the Government, would be heard by Monday next; and on that day he would lay the amended tariff on the Table of the House. Though he proposed to make modifications in details, the general principle would be adhered to.

FORGED EXCHEQUER BILLS.] On the motion of Sir R. Peel, the Order of the Day for the further consideration of the Report of the Committee on the forged Exchequer-bills Bill was read.

The bill recommitted.

Clauses 1, 2, 3, and 4 agreed to with verbal amendments.

On clause 5 being read,

Sir *T. Wilde* said, he wished to submit to the committee certain alterations which he proposed to make in the present clause and also in subsequent clauses, and he thought it would save time if he now stated the reasons which induced him to propose them. The present clause, as well as every other clause in the bill, should, he thought, be read with a reference to the speeches which the right hon. Gentleman at the head of the Government and the Chancellor of the Exchequer made when the bill was brought in, because from them the object of the Government could be best understood. He owned, that he was somewhat disappointed and surprised to ascertain that the alterations he intended to propose were supposed to be open to objection; for he certainly had not the slightest wish to embarrass the proceedings of the Government, but merely a desire to carry into effect what he understood to be the object of the Government in proposing the bill. He was not now aware that any part of the amendments he proposed could have the effect in any degree of frustrating that object. The present clause related to the duties imposed on the commissioners, and it was, of course, of great importance that no question should hereafter arise as to what was the intention of the Legislature with respect to these duties. What it was intended the commissioners should do ought to be clearly defined; for on the duties which the commissioners would be called on to execute depended important interests. In them might, perhaps, be involved the ruin of many very respectable persons. There were among the number to be affected by the bill persons whose interests at stake amounted to 30,000*l.*, 40,000*l.*, and 50,000*l.*; and though they might be in such a condition of life as to prevent so fatal a consequence as ruin from being the result of the loss of that property, yet it was obvious that the bill was of the greatest importance to them. In proposing alterations in the present clause his object was to carry out the intentions of the Government, and to do nothing more. He had attended to the speeches made on the introduction of the bill, and as there was then little discussion or expression of opinion in regard to the justice or policy of that House paying the alleged forged public securities, and as a right hon. Gentleman opposite deprecated any discussion on that point until the facts were brought before the House by the report of the commissioners, he did not presume at that time to offer any remarks to the House, though it occurred to him that some of the statements made on the occasion gave a colour to the case which did not properly belong to it. But now it was extremely important to take care that the bill should present the case to the House in a proper shape, to enable it, when the report of the commissioners came before it, to determine on the question of the propriety of paying the bill-holders. It was distinctly stated, that it was not intended to delegate to the commissioners the power of pronouncing any opinion or determination with respect to their claims. The commissioners were to ascertain the facts of the case, and, those facts being ascertained, the matter was then to come back to the House; and it was for the House to consider the course which it would be proper and judicious to pursue. Among other observations made by the right hon. Gentleman opposite, it was said, that the House should be cautious in indicating any opinion on the propriety of paying these forged bills, because such a proceeding might involve a principle of vast importance to the public; and might, according to the observations of the right hon. the Chancellor of the Exchequer, have the effect of preventing in the receipt and circulation of public securities that caution and care on which the public safety depended. As he apprehended, the whole foundation on which these bill-holders could expect the public to relieve them from loss, if their bills turned out to be forged, was this: that by reason of the misconduct of a certain public officer, effected through the want of a sufficient control and check in his department, they had been subject to a great fraud, committed against them, and consequent loss. This was consistent with that general principle, the justice of which no one would dispute, that if the agents of an individual were able, in consequence of the want of proper caution on the part of the principal, to commit frauds on the public, the principal should be the sufferer, and not the victims of the fraud. From having been counsel to Mr. Beaumont Smith, he was aware of the importance of having this principle brought into discussion on the presentation of the report of the commissioners, but he did not believe it would arise. He had looked at the bill to see what the commissioners were required to do, and what to report. The clause the committee were at present considering, enacted,—

"That the said commissioners shall, by all such means as to them may appear best, with a view to the discovery of the truth, inquire into the case of every owner or holder of any document purporting to be an Exchequer-bill which shall be referred to them by the Commissioners of her Majesty's Treasury, and shall from time to time report to her Majesty what they shall find concerning the manner of the issue, circulation, deposit, or possession of every such document, and especially in what manner the owners or holders of such documents received the same; whether in exchange for other bills, and if so, in what manner such exchange was made, or whether by purchase in open market or otherwise, and if so at what rate of purchase; or whether by way of deposit as securities for loans of money, and if so at what rate of interest and for what time such loans were made, and whether such loans were renewed, and if so, how often and for what time; and also, whether the owners or holders of such documents received the same in the usual course of business, and whether they employed any and what means of inquiry into the genuineness of such documents; and all other matters and things whereby, in the opinion of the said commissioners, the truth may be better known touching the premises."

These were the several inquiries to be made by the commissioners, and it might be inferred from the circumstance of their report being ordered to be laid before the House that the House would be put in possession of all the information received by the commissioners. But the words in the clause he had just read directing the commissioners to report "what they shall find" would prevent this result; for though they might appear technical, they were perfectly well understood in all legal proceedings, and would be well understood by two of the commissioners, who were men of legal knowledge and habits, to mean that they were to report, not the evidence, but their conclusions to be drawn from the evidence. Following up the object, as he conceived, of the Government, in introducing the bill, he should propose the addition of the words directing them to report "the evidence which shall be taken by them," as well as "what they shall find." Of course there could be no objection to the commissioners reporting their opinion; but, at the same time, it was essential that the House should know the premises from which that opinion was drawn. Recollecting what was said, on the introduction of the bill, respecting the necessity for a stringent inquiry, and the propriety of laying the most accurate information before the House, he could readily conceive that the words introduced, requiring the commissioners to report "what they shall find," were intended to meet all that was proposed. But they would have no such effect; and he deemed it of great importance to the justice of this case that the evidence should be laid before the House. He might be told, perhaps, that there was no doubt but that the commissioners would lay it before the House; but still it would be more satisfactory to have the clause drawn in an explicit manner, directing them to report the evidence. No party with honest views could desire any concealment. He had given notice of an alteration he intended to propose in the preamble, and which would operate on the present clause. As it stood it suggested the expediency of the commissioners inquiring into the means whereby these documents came into the hands of parties. He proposed to introduce words declaratory of the expediency of an inquiry also into the means whereby these documents were made and issued. The insertion of the word "issued" was necessary to make the preamble correspond with the subsequent enactment. In order that the case might be properly brought before the House, the House must know whether this fraud had been committed notwithstanding the observance of due care and caution, and committed in such a manner, and under such circumstances, that no prudent foresight for the future could protect the public against a similar injury; or whether it had been the result of such an imperfect system, that very little care and caution would suffice to protect the public in future. But certainly, unless the House were made aware of all the facts of the case, it would not be able to form an accurate judgment as to whether the fraud had arisen from circumstances necessarily incidental to the existence of such securities, or merely from an imperfect system capable of cure. He believed that the present fraud had been committed, not from any negligence on the part of the officers now occupying the department, but from the pursuit of a system which had been thought sufficient by several successive officers to protect against fraud. If it should turn out that that which the public had a right to look to as authentic evidence of the genuineness of those bills—namely, the official seal—if it should turn out that that had been so carelessly attended to that any person could obtain access to it, then would he say that want of due care and caution had been the sole cause of the commission of the fraud. Therefore did he wish to suggest that the commissioners appointed by the bill before the House should report under what circumstances those Exchequer-bills had been made and issued. He was aware that a prior report had been made, but he had reason to think that it did not contain all the evidence which had been given. He did not mean to say, that there had been any intentional suppression of important evidence, but that evidence might have been withheld which was considered irrelevant. He, however, had reason to believe, that evidence had been given which was highly important, and quite relevant to this part of the subject, which did not appear in the report to which he alluded. His desire was, that the House should be in possession of the whole facts of the case, in order that it might exercise a sound discretion. It was necessary to know under what circumstances the bills in question were made, in order that they might see whether the fraud had been the result of an imperfect system, before they proceeded to the second stage of the question—namely, whether the bill-holders had done all that they ought to have done on receiving those bills. The first alteration, then, which he should suggest would be an investigation into the circumstances under which the bills were made, his object being, if it should turn out that the bill-holders were true and *bonâ fide* bill-holders, who had received those bills honestly and with due caution, to prevent its being said to them hereafter, "We know you are honest men, we see you are unfortunate, and we pity you; but it is of great importance to the public that those securities should be maintained and such misfortunes, being inseparable from them, must occasionally happen." Another alteration he proposed in this clause was, that the bills which the bill-holders held should be stated in a distinct schedule. He had reason to believe, in the first place, that Rapallo had still 100,000*l.* worth of bills of the same character in his possession; and that being the case, it seemed to him expedient that the House should not say what course it would take, lest he (Rapallo) might, by foreseeing what that course was to be, induce persons to take those bills. The House must therefore, take care, while it put itself in a position of doing justice to certain bill-holders, whose names were perfectly familiar as the holders of the bills, that persons should not hereafter come forward and prefer other claims upon the bills now in Rapallo's possession. He therefore proposed that the bills should be described in a separate schedule. There would be no difficulty within a week of obtaining the name of every bill-holder. None of those bills were under 1,000*l.*; they were not scattered through the country, and he had no doubt that they would all be found in London. In order to protect the public against a future claim they might require official notice to be given by the present holders of their claiming payment of those bills. He, therefore, proposed that the present holders of the bills, with their names, and a description of the bills in their possession, or a description of the bills without their names, should be set forth in the schedule. By the 8th clause a power was given to any of her Majesty's Judges to award a writ for bringing up any person in the criminal custody to be examined, if the judge should so think fit, and here he proposed to add, after the words, "at his discretion," the following—

"Upon the certificate of such commissioners, or any two of them, that the evidence of any such person is necessary to the effective prosecution of the inquiries, or any of them, directed by this act."

He next proposed to add a clause which he understood was the subject of some attention. That clause was,

"And be it enacted, that it shall and may be lawful for the several and respective persons claiming to be *bonâ fide* holders of the several documents purporting to be Exchequer-bills, which are mentioned and described in the same schedule here underwritten, or any of them, to attend and be heard by themselves, their attornies and council, before the said commissioners, and to produce such evidence before the said commissioners in relation to the matters referred to them as such person or persons may be advised, in such manner, and at such time or times as the said commissioners shall order, appoint, and direct."

Of course those commissioners must have the power of controlling and directing the proceedings for the purpose of due order and convenience. It would be observed that the nature of the inquiry suggested in the 5th clause extended to the manner of possession, to the circumstances under which the bills were received whether in exchange for other bills, &c. Now, many of the persons holding these bills were entirely unused to legal proceedings, or to the manner of submitting evidence and of putting questions, and were unapprised altogether of that species of evidence which it might be necessary to produce, in order to found a given conclusion. There was nothing more reasonable than that they should have professional assistance, that they should be heard by counsel, and that they should have the power of producing and examining witnesses, and of cross-examining any witnesses that might be called against them. Now, the 5th clause provided that the commissioners should not merely inquire, but "report what they shall find concerning the manner of the issue," &c., or in other words, give their own inferences and conclusions from the evidence. If the commissioners were simply to take the evidence and report upon it, then justice would not require more than that counsel and attorney should have the power of examining the witnesses. But, if any power of judgment be delegated to the commissioners, then must it be apparent—unless all such proceedings in courts of justice were superfluous—that the several parties interested, whose commercial existence, perhaps, depended on the issue, should be allowed to have professional assistance. It might be said, that such a course would take up much time; but was time to be put in competition with the satisfactory elucidation of the truth in a matter of so much importance? Besides, to none would a saving of time be more useful than to those very parties to many of whom he believed delay was almost as bad as absolute ruin. They it was who had the greatest interest in haste and expedition, and he knew of no reason which her Majesty's Government could have for haste that must not operate in a tenfold degree as regarded the parties interested in the transaction. If the reports of the commissioners were to be of any avail, he maintained that these parties should be permitted to have counsel. The other clause which he proposed was,

"And be it enacted, that the said commissioners are hereby required to meet for the prosecution of the inquiries directed by this act at such time and times and at such places as the Lords Commissioners of her Majesty's Treasury shall appoint; and the said commissioners are hereby required to report upon the several matters and things hereby referred to them, within months from the passing of this act, or within such further and other time as the said Lords Commissioners of her Majesty's Treasury shall name and appoint."

He had the greatest confidence in Mr. Sergeant Stephen and the Earl of Devon, with whom he was acquainted, and he had no doubt of the desire and ability of the other gentlemen to discharge the duty of commissioner with every efficiency, as he was sure the Government would not appoint any one not deserving of confidence, but he wished nevertheless that a spur should be given in the way of expediting the proceedings. In order that there might be no embarrassment thrown in the way of those proceedings he did not object to giving the Lords Commissioners of the Treasury the power of enlargement as they might think fit. To the publication of the evidence he could see no possible objection, and in withholding it from the public no object could be obtained beyond that of screening some individual or individuals, which he was sure the Government did not want to do. If disclosures were required by justice, they should be made without reference to their effect upon certain individuals. He could not understand who the persons could be of such importance as to impede a fair inquiry into the case, such an inquiry as would enable the House to do proper justice to the parties. If they turned out to be *bonâ fide* holders of those bills he was sure the House could have little hesitation in adopting that course which justice pointed out; and therefore was it that he felt it his duty in point of justice to submit these amendments to the House, which he preferred doing in an aggregate form to taking them one by one.

The *Solicitor-General* said, he was not disposed to differ from many of the amendments suggested by his hon. and learned Friend. The real difference would be as to the mode of carrying those amendments into effect. The object of the commission, as he understood it, was not, as suggested by his hon. and learned Friend, for the purpose of obtaining information as to the mode in which the parties became the holders of those Exchequer-bills, but for the purpose of obtaining a history of those bills, and of tracing that history from the period at which they were issued until they got into the hands of the present holders. The present holders of them were enforcing no legal right; they merely came to the Government asking for compensation for forged Exchequer-bills, and the Government wished to ascertain, and clearly to ascertain, the circumstances under which they had become possessed of those bills. He quite agreed with his hon. and learned Friend, that that House and the public should be fully informed of every circumstance connected with those bills. It was never intended by her Majesty's Government that the evidence taken before the commissioners should not be reported and laid before the House. The intention of her Majesty's Government was, that the commissioners should report fully to the House, or, in the first instance, to the Treasury, the report to be subsequently laid before the House; but he could not quite agree with his hon. and learned Friend in the propriety of compelling the commissioners to report the whole of the evidence, and of obliging the Government to lay the evidence, so reported, before the House. He could conceive particular instances in which it might not be judicious or proper to lay the evidence before the House; and he could not help suggesting that if it were understood that the whole of the evidence was to be reported to the House, a full inquiry might be in some degree prevented. He thought it would be better to leave the matter to the discretion of the commissioners, as in all ordinary cases of commissions; but he must repeat that there never was the slightest wish on the part of the Government that the question should not be fully investigated, and the evidence laid before the House. That being the case, he should hope it would be unnecessary to introduce a clause compelling the commissioners to hear the counsel and evidence of every individual who chose to make any complaint against the Government. It would be exceedingly and obviously inconvenient to leave it discretionary with every holder of these bills to say, "I am myself the best judge of what I require. By act of Parliament you are obliged to hear me. You must hear my counsel, my statement, my witnesses, and any one I choose to bring forward, for the Legislature has so enacted." He could not speak from experience, but he believed there was no case of a commission of inquiry in which the commissioners were compelled to hear whatever witnesses the parties interested might choose to bring forward. The commissioners would conduct the inquiry according to their discretion—a course which he deemed far preferable to that of rendering it imperative on them to hear counsel and receive evidence in every case, as proposed by his hon. and learned Friend. His hon. and learned Friend said, that the present bill-holders were not interested in delay. Certainly, the great mass of *bonâ fide* holders were not; but would his hon. and learned Friend say, that another description of holders might not be interested in thwarting this inquiry, and endeavouring to withhold instead of elicit the truth? His hon. and learned Friend's argument, too, totally failed as regarded the necessity of parties being heard by counsel, as the commissioners had not to decide any matter connected with the question. They had only to inquire, and that inquiry was to be followed by any act which the House might think fit to adopt. They might direct further inquiry, but if the evidence itself were reported to the House, as his hon. and learned Friend said it ought to be, then, he asked, could there be any necessity for allowing every bill-holder, as well he who was interested in thwarting the proceedings as he who was interested in getting at the truth and accelerating the proceedings, to compel the commissioners to hear him and his counsel as long as they pleased? As to the other amendments, when his hon. and learned Friend said it might be important to ascertain the mode in which these bills had been made and issued, it was, no doubt, important to know the means under which they got into circulation; but if his hon. and learned Friend meant that this commission should proceed on the same inquiry as that commission which had just reported to the House, then he could not help thinking that they were imposing upon this commission that which it was not the intention of the Government to do when it was appointed, and which did not appear to him to bear immediately on the subject; not that there could be any wish on the part of the Government, but that the fullest investigation should be made into the mode in which these forgeries took place, and the bills were issued, and if his hon. and learned Friend confined the inquiries of the commission so far as they were relevant to the matter in question, there would be no objection to them. With respect to the amendment which his hon. and learned Friend proposed for scheduling all bills, and not to leave it to the discretion of the Government, his hon. and learned Friend said there would be no difficulty, in the course of a week or two, in ascertaining a description of all bills from all persons now holders of them. That might be so; and, if so, there would be no objection to introduce those bills of which they could get a description into a schedule to the act. But, at the same time, he thought it was not right to confine the inquiries of this act to bills so scheduled, because there might be other bills, and they might, in point of fact, be working a great injustice by such restriction. Except that there would be no other objection to the clause being altered in that respect, it might be more convenient to discuss these amendments when they came to those parts of the bill where his hon. and learned Friend proposed to insert them; because the variation of a phrase might possibly obviate the objections that were now made to some of them; but he would add, that as to this particular amendment to have the bills scheduled, there would be no objection to do so if the Government were allowed to refer such other bills as they might think proper.

Sir *R. Inglis* said, the question immediately before the committee had reference to the 3rd line of the 5th clause, in which the hon. and learned Member for Worcester proposed, after the word "any," to insert the words "of the." But although he took occasion to enter pretty largely into the merits of this subject, yet both he and the hon. and learned Gentleman who followed him abstained from expressing any opinion as to the course which the Government would take towards the *bonâ fide* holders of these bills. He would also abstain from expressing any opinion upon that point. As far as he could collect, the amendments of the hon. and learned Gentleman opposite were three. The first had reference to reporting to the Crown in the first instance, and through the Crown to this House, the evidence which should be taken by the commission; by the second, the commission was empowered to examine not merely into cases referred by the Treasury, but also, other cases of bills mentioned in the schedule of this act. With regard to that point, the hon. and learned Gentleman had excluded from the schedule all cases which the Government might think fit to submit to the commission; but on the understanding which was stated by the learned Solicitor-general, he entirely concurred in that amendment. As to the third amendment, viz.,—that parties should be permitted to appear by themselves, their counsel, or attornies, he could not give his consent to it; but he cordially agreed in the prayer which the hon. and learned Member for Worcester addressed to the Treasury, that no time might be lost in coming to the decision of this question. Personally he had no interest whatever in these Exchequer-bills, but he felt that the most cruel treatment which *bonâ fide* holders of these bills could sustain was delay; and he would say, that if they could not agree to a limited period in which the commission should be required to make its report, at least the Government should exercise the influence they possessed to induce the commission to proceed as summarily as was consistent with justice, so that their report might be laid on the Table of the House in the existing Session; and that something might be done in reference to those who might be *bonâ fide* holders of these bills—his hon. and learned Friend did not deny that some were, and he believed the majority were—to relieve them from the cruel state of embarrassment in which they were at present placed.

Sir *R. Peel* said, that with the exception of the suggestion that parties should be heard by themselves, their counsel, or attorneys, they were differing practically about a shadow. The hon. and learned Gentleman the Member for Worcester had admitted, that as to two of the commissioners, he had the highest possible opinion of them; that the Earl of Devon and Mr. Sergeant Stephen he knew to be men of high legal attainments and integrity, and that two men more fitted for the duties of commissioners could not have been found; and he (Sir R. Peel) was sure that hon. Gentlemen on the other side, from what they had known of Mr. Mitford, the third commissioner, in his connection with the Treasury, would admit, that he was as much entitled as the other two commissioners to their favourable opinion. It was considered desirable, when the three commissioners were appointed, that the third should not be a professional man, and at the same time a person not connected with these commercial matters, but nevertheless one possessing a knowledge of general revenue and finance. Mr. Mitford possessed those qualifications, and it was impossible to name any person in whom greater confidence could be placed than in him. Those three commissioners having been appointed, the general presumption was in their favour, and that they would properly discharge the duties committed to them. With respect to the production of the evidence, he agreed in the general principle, that the report would be unsatisfactory unless accompanied by evidence; but it never was in the contemplation of the Government to withhold the evidence from the House. The hon. and learned Gentleman said, that that evidence might bear hard on individuals not now in office, but who might have been in office, and that on that account it might be withheld. He agreed with the hon. and learned Member, that no part of the evidence should be withheld merely on that account, nor did he see how it could, because this bill enacted that the commissioners should "inquire into the case of every owner or holder of any document purporting to be an Exchequer-bill, which should be referred to them by the commissioners of her Majesty's Treasury, and should from time to time report to her Majesty what they should find concerning the manner of the issue, circulation, deposit, or possession of every such document." If they found there was any negligence in making out these bills, he did not see how the commissioners would be warranted in refusing a full investigation into that subject. He could conceive it to be part of the case of a holder of these bills to show that no vigilance or diligence on his part could have induced him to take caution against the loss he had sustained, and therefore it might be the duty of these commissioners to hear that case upon the part of such holder. He thought, however, it was better not to make it imperative by law to publish every part of the evidence; for he could conceive cases bearing upon the public interest in respect of the forgery of Exchequer-bills, which it was not at all necessary to produce, and which it might be desirable that the commissioners should have the discretionary power to produce or not as they thought proper; but, as a general rule, he thought that the evidence, where it was at all material, whether it bore hard on any individual or not, should be produced. He quite agreed with his hon. Friend the Member for the University of Oxford (Sir R. Inglis), that it was of the utmost importance to proceed with the inquiry without delay; and, upon that principle, he would ask, with reference to the amendment proposed by the hon. and learned Gentleman, whether, considering the length to which some speeches of counsel might extend, if they gave an absolute right to every party to be heard by his counsel or attorney, it might not have the effect of protracting instead of expediting the inquiry. Two of the commissioners were men of great legal attainments, and he trusted that the House would leave it to them to determine as to the best mode to be adopted in this respect, for great inconvenience might arise by giving every person of supposed interest in these matters an indiscriminate right to be heard by his counsel or attorney. The real points at issue were exceedingly narrow. They had on both sides agreed that the inquiry should be full and complete, and that all the evidence in the case of individuals, or in the matter generally, should be laid before the House before they were called upon to decide what course should be taken upon this subject.

Lord *J. Russell* quite agreed with the right hon. Gentleman, that the points upon which any difference of opinion existed between the Government and his hon. and learned Friend the Member for Worcester were exceedingly few. With respect to the bills being placed in a schedule, the learned Solicitor-general had admitted that there should be a schedule of that description, but that power should be given to the Treasury to refer any other bills to the commissioners. Upon that point they agreed. With regard to the next point, as to the publication of the evidence, the learned Solicitor-general said it was the intention of the Government that the evidence generally should be published. That, he thought would be satisfactory, if it were left to the Crown—that was, to the Treasury, rather than to the commissioners, to decide as to what part of the evidence should be withheld. It should be the duty of the commissioners to report the whole of the evidence to the Treasury, and it should rest with the Treasury, and not with the commissioners, to judge whether, upon the ground of public expediency or public feeling, any and what part of it should be withheld. He therefore thought that the declaration of the right hon. Baronet upon the subject, with that understanding, was satisfactory. The only remaining point was as to counsel being heard, if any of the parties required it. They gave a power to the commissioners to report from time to time, and therefore with respect to cases in which no lengthened inquiry was necessary, the reports as to them need not be deferred on account of other cases; but as to other cases, in which the inquiries were more lengthened, he did not think the answer of the right hon. Baronet would be quite satisfactory to those parties. His hon. and learned friend the Member for Worcester said, very truly, that the established mode of ascertaining the truth and justice of any case was by hearing counsel and attorneys at the bar, and that might be necessary now. As to the reason for suppressing the use of counsel on account of the proceedings being thereby protracted to an inconvenient length, they would remember that last year, when they were discussing the propriety of what was to be done as to the delays in the courts of Chancery, not a word was said that it was owing to the length of the speeches of counsel that those proceedings were so delayed, and that therefore those speeches must be abridged, but that further means must be given for hearing those counsel. In the same way, in other courts of law, a party was never deprived of the use of counsel, but further means were given for their being heard. They should adopt, then, in this instance, a remedy of the same kind, and, if necessary, have other commissioners. It was possible, as the learned Solicitor-general said, that there might be some persons who had only a supposed interest in this inquiry, and that it might lead to a protraction of that inquiry for them to be heard by counsel, but that was such a mere possibility that not much weight could be attached to it as an objection, and therefore, rejoicing that they agreed on two of the points proposed by his hon. and learned Friend, he must say that he thought his hon. and learned Friend was right in asking for the other point.

The *Attorney-General* said, it was extremely satisfactory to find that the difference between the Government and his hon. and learned Friend, the late Solicitor-General was reduced to a single point. It would, no doubt, be more satisfactory that all the evidence should be reported to her Majesty, and then that so much of it as it might be considered inconvenient or impolitic to publish should be withheld. He also thought it extremely desirable to come to an arrangement on the other points; and, notwithstanding the anticipated remark of the noble Lord, he did not agree with his hon. and learned Friend as to the necessity, propriety, or benefit of giving every party an absolute right to be heard by himself, his counsel, or attorney, and "to produce such evidence before the commissioners in relation to the matters referred to them as such person and persons might be advised, in such manner and at such time or times as the said commissioners should order, appoint, and direct." He thought it was impossible to doubt, that as far as any evidence or any comments on that evidence were calculated to throw light on the subject, the commissioners named in the bill would do that justice to the public and themselves which the case called for; and it would be better than suggesting a remedy by-and-by, to leave it entirely in their discretion. It would be better to wait and see whether it would be necessary to give the commissioners any admonition as to the restrained and narrow way in which they exercised their discretion. His hon. and learned Friend had compared these proceedings with what took place in a court of law or equity; and the noble Lord seemed to think there was an end of all argument on the subject from the moment he alluded to the supposed benefit of counsel in any suit; but he was sure, when they considered what was the course of proceeding in every court of law, and in every commission which issued similar to this, or rather not similar to this, for none similar to it had there been before, and then took the trouble to compare them with what might take place under the present inquiry, they must immediately perceive the absolute necessity of leaving this as a matter of discretion with the commissioners, instead of making it imperative upon them. As to actions at law, some question was always raised between the parties, which was considered the issue between them, to which the evidence was directed, and the speeches of counsel were or ought to be directed. It was the same in courts of equity, and, with respect to commissions, such as were appointed for distributing certain funds among a number of claimants, every person made his claim; each case was a suit; it was competent to hear evidence, and the question then was, whether a person was or was not entitled, and if he were, then to what amount; but he could conceive that there would be no limit to the present inquiry. Every party who went there might have a proposal to make. One might suggest one course of proceeding, another, another. Every party who was connected with one of these bills would have a right, apparently, by the proposed clause, to go before the commissioners, and raise every possible issue that could be raised, and call evidence to any extent, and address the commissioners at any length. He was sure the House would agree with him, that nothing could be more inconvenient than the existence of a legal right to prosecute inquiries of the nature proposed to any length which the parties might think proper. If the amendments now submitted to the House were agreed to, who could talk for a moment of setting any limits whatever to the proceedings of the commissioners? They would be confined by no plea, there would be no issue joined; the parties concerned, their counsel and agents, might wander into any inquiry, however remote, and might produce any evidence, however irrelevant. If ever there were an inquiry which afforded no hope of being brought to a termination, he would take upon himself to say, that the inquiry before these commissioners as proposed to be regulated, or rather set free from wholesome regulation, by his hon. and learned Friend, was of that description. If witnesses were to be produced and counsel heard at the discretion of every one who thought proper to make himself a party to the inquiry, he declared his inability to see where the proceedings of the commissioners were to terminate. For these reasons he could not help endeavouring to impress upon the House as strongly as possible his conviction, that it would be very much better to leave to the commissioners that power with which by the bill it was proposed to invest them; and let them upon their responsibility raise such questions, as they thought it right and expedient to enter upon, and to conduct their investigations in such manner as they might think most conducive to the public interest. If, in the course of the proposed proceedings justice were refused to any one, the doors of Parliament were open, and he might prefer his claim to that House with every reasonable confidence of obtaining redress. When the necessity arose it would be quite time enough for that House to take upon itself the task of dictating to the commissioners on any matter of detail. He was as favourable as any one could be to allowing all who thought they had any rights to assert to go before the commissioners and endeavour to raise those questions which they conceived they were entitled to bring forward, but he would leave it to the commissioners to decide what subjects they would inquire into, and how far, and in what directions, they would carry their investigations. He would not expose the commissioners to the chance of being compelled to carry out their inquiries into the manner in which the funds had originated, no matter how distant the period of that origin might be, or how difficult soever might be the acquisition of anything like exact information; and in cases where the commissioners themselves saw no necessity for minute investigation, he could perceive no necessity for binding them to examine every act of carelessness or neglect imputable to certain persons during the last six or seven years. The inquiry, as proposed to be modified by his hon. and learned Friend, was one to which no limits could be set. It was a project of—he would not say of litigation, but a multifarious and unbounded inquiry, injurious to the parties themselves, unprofitable to those who sought to make it beneficial, and not creditable to the wisdom or policy of those by whom it was instituted.

Colonel *Sibthorp* said, he wished to know whether the commissioners under the present bill were to be remunerated for their trouble, and whether the clerks under them were to be paid, and in what sums. There were those filling places in the Exchequer superior to such clerks, and through whose negligence those frauds had been committed; such men, he thought, ought to be made to pay, not only in purse, but in person.

Sir *R. Peel* replied, that there could be no question about remunerating the clerks employed under the commissioners; but as to the commissioners themselves, they certainly had not stipulated for any specific remuneration, and he thought it would be better to postpone the consideration of that subject till they saw the duration, extent, and nature of the duties which those commissioners had to perform; at the same time he need hardly remind his hon. Friend that it would be too much to expect professional men, whose time and talents formed their capital—it would be too much to expect such men to give up to the public a great quantity of that which was so valuable to them without receiving any return. They were men of high character and attainments; nothing, therefore, could be more obvious than that they ought to be remunerated. As to the principle of fine and imprisonment put forward by the last speaker, he really must protest against that.

Clause as amended was agreed to.

On clause 6,

The *Solicitor General*, who spoke in a low tone of voice, was understood to suggest that the commissioners should from time to time report the evidence brought before them to the Treasury.

Mr. *Wakley* said, that the bill would stand much better otherwise. There was a general opinion out of doors that the Government was in fault; of course he did not mean the present Government, but the last, and there could be no doubt of the great advantage of setting the world right upon that point, supposing them to be in error. The commissioners, it was said, were in the highest degree worthy of the confidence of the country. If that were so—and he did not say it was otherwise—it would be better to trust to the commissioners than to the Treasury. He hoped, therefore, that the noble Lord would see the propriety of leaving the whole matter in the hands of the commissioners, and allowing them to act upon their responsibility. The public, he had no doubt, were prepared to pay the *boná fide* holders of the Exchequer-bills, but they desired to have a most searching inquiry.

Lord *J. Russell* said, that before the suggestion alluded to had been made, he distinctly understood that there was no wish on the part of her Majesty's Government to screen any one; the only reason suggested for withholding any part of the evidence was, that the disclosure of it might prove injurious to the holders of other Exchequer-bills. As there was no question respecting any attempt to screen the conduct of any one, he did think that the Treasury, possessing the advice and assistance of experienced public officers, had much better receive the reports of the commissioners; and thus the Treasury could be held responsible for the whole of the proceedings, as it was on them that the onus ought to rest. If the Treasury suppressed anything material they might be called on in Parliament, for to Parliament they were responsible. He was favourable to leaving the whole matter to the discretion and responsibility of the Government, and he should therefore support the suggestion of the Solicitor-general.

Sir *R. Peel* said, that the general rule would be to publish the evidence; to withhold any of it would be the exception, and the Treasury would certainly not withhold any part of the evidence in order to avoid compromising any individual; but there were cases in which it might be just as well to abstain from publishing the evidence—for example, evidence relating to the modes in which Exchequer-bills might be forged. In general, he held that the evidence ought to be produced.

Sir *T. Wilde* observed, that if the commissioners reported only when they thought proper, and what they thought proper, the House of Commons would not get any information; but, on the other hand, if the reports were made to the Treasury, the case would be materially altered, and for this, amongst other reasons, that the commissioners could not be as good judges as the Treasury of what ought to form the rule and what the exception as regarded the publication of evidence; and no doubt Government would feel bound to see that substantial justice was done; he therefore thought that the mode proposed of reporting to the Treasury ought to be adopted.

Clause, as amended, agreed to.

Clauses to 14 having been agreed to,

Sir *T. Wilde* rose for the purpose of moving the amendments of which he had given notice. He said that he had confidence in the commissioners; that he had also confidence in the judges; but he would leave neither the judges nor the commissioners without the aid of counsel. He would not agree to frame the bill in such a way as to deprive them of the advantages which the presence of counsel supplied. The bill must be framed so as to secure justice for the public, and if there were to be no counsel the public would be without their remedy. It was true that witnesses might be called, but it required something more than ordinary intelligence and common sense to illicit truth from witnesses. To grant the parties concerned an opportunity of producing their witnesses, and at the same time to deny them the aid of counsel, was to give the public the semblance of justice and to refuse them the reality. Should it be said in that House that time was wasted in the hearing of counsel? If it were not wasted, on what ground could the aid of counsel be refused to the parties interested in those Exchequer-bills; and let the House remember that a cause was often decided by the manner in which evidence was placed before the persons who were to pronounce judgment, and not only was it important that evidence should be presented in a favourable manner, but in order to illicit truth it was necessary that questions should be put in the forms best calculated to accomplish that object, —forms with which none were practically acquainted except persons of considerable experience in courts of justice; even the relevancy of questions often became matter of long and earnest discussion. He need hardly remind the House that many of the bill-holders at this moment were on the brink of ruin—their fate would be decided by the commissioners; but then the House proposed to refuse them the ordinary assistance which any man might have on an affair of 40*s*. They were now to suppose that all holders of Exchequer-bills were *bonâ fide* holders; they said they had embarked their fortune upon the faith of the public credit, and they earnestly desired to have the opportunity afforded them of laying their case before the commissioners to be appointed under the bill. His learned Friend the Solicitor-General, in fact, sought to deny those parties substantial justice. The bills were all to the amount of 1,000*l.*; the holders of them were all well known. He had not the slightest doubt but the Government had the name of every one down in some list, yet his learned Friend was to suppose, and wished the House to suppose, that some unknown persons were to get possession of the bills, in order to embarrass the commissioners and the Government. But how were these unknown persons to get possession of the bills? Certainly the Government would not afford any facilities to any one for such a purpose, nor was it likely that the holders of the bills would do so. It was wholly a suppositious case on the part of his learned Friend, and rested upon no sound foundation; yet the House of Commons were asked, upon that suppositious case, to deny to the parties, holders of these bills, that which was only substantial justice. There were two issues to be tried; first, whether the holders of the bills were *bonâ fide* holders for a valuable consideration, and whether they came into their possession in the regular course of their dealings; and secondly, whether the bills had been issued fraudulently for want of an effective control in the office from which they were sent forth to the public. His learned Friend had said, that if counsel were allowed, they would wander into evidence—"wander" was his word—wander into evidence as to the latter issue. Now, in his mind, nothing could be more important than that all the parties, who were already well known, should be allowed to produce such evidence as they might be advised to do, and that that evidence should be laid before the commissioners in a proper manner, which could only be done by men well acquainted with the manner of fully eliciting the truth. "But what was the answer to this?" said his learned Friend, "the commissioners would do justice." No doubt they would; but what did they know of the case? They might as well say, "Trust the judges, they will examine the witnesses, and elicit all the facts." Now, that was well illustrated the other day, when a learned Judge refused to examine from the depositions which were before him; and most properly so, for the moment a judge began to ask questions, except those dictated by the previous evidence, he, in some measure, became a party to the case. His learned Friend said, the parties interested were not to be allowed to call what evidence they pleased to prove their case, because the commissioners would use their discretion in the matter. But what did the commissioners know of the case? He knew it was a very common saying, that where counsel were engaged, they made long speeches to the waste of much time; indeed, he knew that long speeches were very dull and dry, except to those interested in the cause, and he had known many gentlemen, who were celebrated for long speeches while at the bar, when elevated to the bench, the very first to complain of the waste of time by counsel; he had known many instances of that kind; but what was the length of a speech when put in competition with fair and impartial justice? Was the House prepared to deny these bill-holders the ordinary privileges of law, the privilege of laying their case before the commissioners according to the advice they might receive, upon the supposition that other parties might come in and delay the proceedings? He trusted not, but that the House would grant them their substantial right—the right of being heard by their counsel and witnesses. With respect to the delay which it had been said would necessarily follow the employment of counsel, he would only say, that in very many cases within his own knowledge the employment of counsel had led to the saving of much valuable time. But many of the cases he knew must be disposed of in a few minutes. He alluded to the cases where bills were held by bankers who had taken them in the regular course of their business. He knew also the case of a gentleman of the utmost respectability—a gentleman whose transactions amounted to 16,000,000*l.* or 18,000,000*l.* a-year. He was the holder of bills to the amount of 50,000*l.*, and his case could not last long. There might be many other cases equally fair; but the question was, whether they would deny those parties those means which the law and the constitution gave them — the means of laying their case before the commissioners in their own way, and the means of eliciting the whole truth. Every one, acquainted with the courts of law was aware, that the impression made upon the minds of the judge and jurors was frequently very different after the address of the counsel upon the evidence to what it was before: the counsel gave his whole attention to the case, and he brought forth remarks upon the evidence which often wholly changed its character and prevented injustice. He did not for a moment entertain a doubt of any one of the gentlemen who were to be commissioners, but they would by their office be in the nature of judges, and, like the judges, let them hear counsel for the parties who came before them, before they came to any decision upon the evidence. He thought no answer had been given to the case he had made out, and therefore he would persist in his clause.

It was said, the parties were not there in the exercise of a legal right; granted, that was their misfortune; but they were now demanding common justice, which he trusted they would obtain. He trusted the committee would not be led away from the main question, which was, had the parties received those bills fairly and properly, and had there been any negligence in the department whence they were issued? and for the purpose of proving those issues, counsel ought to be allowed. He, therefore, moved, that the clause, which he had already read to the House, in his former speech, relative to employing counsel, be brought up.

The *Solicitor General* said, the address of his learned Friend the Member for Worcester had not removed his objection to the clause he proposed to add to the bill. The question he put to the committee was, were they to take the conduct of the commission out of the hands of the commissioners, for the purpose of vesting it in those of any party who might choose to appear, and claim to be interested in any of the bills? Surely his learned Friend did not for a moment suppose, that if any one of the parties made application to the commissioners to have a particular witness or witnesses examined, they would not at once summon the party wanted. The clause was to give parties leave to attend with such evidence as they might be advised; but how were they to get their witnesses there? They had no power to force them to appear, except through the commissioners. If the clause were agreed to, it would take the whole control of the proceedings out of the hands of those conducting the commission, which, in his opinion, would be most improper. The inquiry ought to be conducted like every other parliamentary commission, leaving it to the discretion of the commissioners to examine what witnesses they thought necessary, and to conduct the investigation in the manner they thought the best to elicit truth. The commissioners had not the power to decide anything at all—they were to take and report evidence to her Majesty, and there their functions ended. He thought the clause wholly unnecessary, and would therefore oppose it.

Clause brought up and read a first time. On the question that it be read a second time,

Sir *R. Inglis* said, the hon. and learned Member for Worcester sought by his clause to give the claimants a power and privilege not sought for by the Crown. He could not consent to give one party a power which the other had not, and therefore he could not concur in the proposed clause.

Lord *J. Russell* said, the Government had the power of appearing by the law advisers of the Crown. It would be wrong were parties to appear by their counsel, did not some person appear on behalf of the public; but he did not understand his learned Friend near him to propose such an absurdity as that one party should have counsel and the other not.

Mr. *Wakley:* The decision of the House would hereafter have to be taken upon the evidence reported by the commissioners—of course that decision must necessarily depend very much upon the manner in which that evidence was taken. In his opinion it would amount to a denial of justice to the parties if they were precluded from giving that evidence in the best manner they could. The House would not do its duty if they did not introduce the clause, which had his entire support.

Mr. *C. Buller* said, to his mind the question before the House was one entirely of a judicial nature; and why, he would ask, should the House deviate from the ordinary rules which governed similar cases? He trusted that no petty considerations of convenience would induce the House to depart from those ordinary and wise rules. If they did they would commit an act of gross injustice.

Sir *R. Peel:* The question was not whether counsel was to be allowed to make speeches and examine witnesses; it was whether the House would confide to the commissioners the power to elicit truth in the manner they thought best. The commissioners were not partial men, nor were they unknown. Two of them were professional gentlemen of great reputation—one of them had been a Master in Chancery, and surely he was somewhat acquainted with the manner of receiving evidence; the other was Mr. Sergeant Stephen, who, in addition to a long practice at the bar, had formed one of the commissioners appointed to inquire into the laws relating to real property, and surely he also would be enabled to judge of what was the best manner of proceeding in the elucidation of truth. He thought that if the hon. and learned Gentleman succeeded in carrying his clause, that in every case the claimants should have the privilege of employing counsel, then the discretionary power invested in the commissioners would be removed. He thought that it would be better, in any case, to allow the commissioners to decide whether counsel should be employed either by the holders of Exchequer-bills or by the Treasury. Certainly it would be better to pursue this course, than to fetter the Crown by such an obligatory clause as that now proposed by the hon. and learned Gentleman opposite. Why not trust this matter to the discretion of the Crown and the commissioners? It should be remembered, that the commissioners did not sit as judicial authorities—their object was to investigate, not to pronounce judgment.

Sir *T. Wilde*, in reply, asked, whether confidence in the ability, learning, and judgment of the commissioners selected by the Government was a fair argument to urge in defence of the course pursued by those who opposed his motion? He did not think that it would be just to the parties having claims upon the Government, if the commissioners were invested with the powers of deciding what was or what was not evidence. What was the case with those who acted as judges in our courts of law? A judge could not refuse to hear legal evidence; and why should the commissioners have the power of refusing? Who were to select the witnesses?—were the commissioners? He thought that the inquiry would be imperfect and unsatisfactory, unless the Treasury was allowed to appear by counsel. Each person having claims should have the power of appearing by counsel and stating his case. The question was not whether commissioners were trustworthy. It was not a question of confidence or no confidence on the part of the gentlemen selected to act as commissioners. Let the Treasury state their case, and let the bill-holders state theirs. Would the House give to the commissioners the power of selecting the cases which should be heard before them? Was it just or proper that the holders of Exchequer-bills should be deprived of the power of examining witnesses? If a committee of this House had been appointed to investigate the matter, would the claimants have been refused to employ counsel? Certainly not. They would have had the power to appear by legal advisers. It had been urged that the commissioners were not to sit as judges, they were to pronounce no opinion on the matter. This he considered like a very inconclusive argument. He thought that if the inquiry was conducted in the manner now proposed by Government, it would prove to be illusory, and a mockery of justice.

Mr. *G. H. Vernon* was anxious to do justice to the parties concerned, and he was still more anxious to do justice to the public. He would not willingly be a party to bring the question before the House with a prejudice against either the holders or the public, and from the strong opinion which had been expressed by hon. Gentlemen opposite that justice could not be done unless counsel attended on behalf of the bill-holders, he felt convinced that if the proposition were not acceded to, the question would come before the House with a prejudice in the public that full justice had not been done towards the holders. The hon. Gentlemen opposite had said that full justice could not be done unless counsel attended to protect the interest of the bill-holders. Under these circumstances, he hoped the Government would give way, and permit the clause to be added to the bill. Although, if he were a holder of Exchequer-bills he should be perfectly satisfied to leave the whole question to the discretion of the commissioners, yet, considering the learned Member for Worcester as the representative of the bill-holders, and having heard what had fallen from that hon. and learned Gentleman, he thought it would be the least inconvenient course to accede to his proposition. The only inconvenience that could arise from doing so would be delay, and for that the holders would be answerable, and by it they alone would be the sufferers. For his own part he thought there would be ample security in trusting to the discretion of the commissioners and therefore he should vote with the right hon. Baronet if the question came to a division, but he had thought it right to say what he had said to guard against a prejudice which he foresaw was likely to arise.

Mr. *Kemble* wished to be informed by the right hon. Baronet at the head of the Government, whether the inquiry was to be conducted in an open court, to which the public would be admitted?

Sir *R. Peel*: That would be left entirely to the discretion of the commissioners.

Mr. *Kemble* stated, that he felt much interested in this question, as he had undertaken originally to present to the House a petition of the claimants. He would not press for the parties concerned to have counsel employed. It was his opinion, if the law-officers of the Crown were placed in the court in hostility to the holders of Exchequer-bills, that their cause would be considerably damaged. He also thought that the inquiry should be an open one. It was his intention to vote against the motion of the hon. and learned Member.

Mr. *F. T. Baring* perfectly concurred in the arguments urged by his hon. and learned Friend in support of his proposition. He thought parties had a right to expect a full and fair investigation into their respective claims. The public also ought to have the power of enforcing the examination of those witnesses which were necessary to the elucidation of the truth. He thought that the interest of all parties would be better effected by having counsel employed to conduct the case of those who had claims upon the Government. In saying this, it was not his wish for a moment to cast any reflections upon the character of the gentlemen who were appointed to act as commissioners. He considered them to be gentlemen of high and deserved reputation. He did not, however, consider that the commissioners alone should be invested with the authority of asking questions and sifting evidence. He thought that no step should be taken by the commissioners before counsel was appointed to defend the interests of the Crown.

The *Solicitor-General* said, that the hon. Member opposite was mistaken in supposing that there was a clause in the bill investing the commissioners with the power of hearing counsel on the part of the Crown. It was unfair to suppose that the commissioners would hear counsel on the part of the Crown without giving the parties holding Exchequer-bills the same privilege. He thought that the bill acted fairly to all parties concerned. They were placed precisely on the same footing. The bill gave a discretionary power to the commissioners, but at the same time, the claimants and the Treasury had equal advantages extended to them.

Mr. *Hardy* said, he conceived it most desirable that every holder of Exchequer-bills should have the power of appearing before the commissioners by counsel. If a person thought it necessary to call in the assistance of counsel or an attorney for the support of his claim, and his application to the commissioners for their sanction were refused, the commissioners would be placed in a very invidious position. In such a case, a claimant might very justly complain that his case had not been properly investigated, in consequence of his not being allowed to have the assistance of counsel. It must be remembered that the commissioners would be the agents of the Government, that they would have to report not only the evidence, but their opinion upon the cases brought before them; and he thought, therefore, that the Government ought, to use a phrase common in courts of justice, to come before the House with clean hands.

Mr. *Hawes* said, if the commissioners were to decide in what cases they would or would not hear counsel, the result would be, that parties to whom the assistance of counsel was refused would complain that their cases had not been properly investigated, and the House would be called upon to go through such cases again. His opinion was, that this investigation should be conducted according to the ordinary forms of judicial inquiries; that a party should appear to make out a case, that another party should appear to oppose, and that a tribunal should be constituted for the decision of the question.

Mr. *M. Attwood* conceived that it would be only justice for the Government to pay the amount of those bills which were held honourably, and under circumstances that precluded suspicion. It would, however. be the duty of Parliament to inquire into all the circumstances. Now he (Mr. Attwood) was personally acquainted with many of the holders of these bills, and he could therefore affirm that the holders were men of such character that they courted the fullest investigation; and if they thought the investigation would be more advantageously proceeded with by the assistance of counsel and attorneys, he thought it hard upon them to be refused the course which they conceived would ensure a proper representation of their claims.

The House divided on the question that the clause be read a second time. Ayes 64; Noes 77: Majority 13.

List of the AYES.

Arkwright, G.
Attwood, M.
Barclay, D.
Baring, rt. hn. F. T.
Barnard, E. G.
Bernal, R.
Blewitt, R. J.
Bodkin, J. J.
Bowring, Dr.
Broadley, H.
Brodie, W. B.
Browne, hon. W.
Buller, E.
Busfeild, W.
Butler, hon. Col.
Cayley, E. S.
Christmas, W.
Crawford, W. S.
Dawson, hon. T. V.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Evans, W.
Forster, M.
Gibson, T. M.
Gill, T.
Hall, Sir B.
Hardy, J.
Harris, J. Q.
Hawes, B.
Howard, hn. C. W. G.
Humphery, Mr. Ald.
Martin, J.
Masterman, J.
Mitchell, T. A.
Morris, D.
Morrison, Gen.
Morrison, J.
O'Brien, J.
O'Brien, W. S.
Palmer, G.
Parker, J.
Powell, C.
Protheroe, E.
Rawdon, Col.
Rennie, G.
Ricardo, J. L.
Richards, R.
Russell, Lord J.
Scholefield, J.
Smith, B.
Somers, J. P.
Somerville, Sir W. M.
Stewart, P. M.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Tuffnell, H.
Villiers, hon. C.
Wakley, T.
Wason, R.
White, L.
White, S.
Wood, B.

TELLERS.
Wilde, Sir T.
Buller C.

List of the NOES.

A'Court, Capt.
Ackers, J.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Bailey, J. jun.
Baring, hon. W. B.
Baskerville, T. B. M.
Beresford, Major
Boldero, H. G.
Bradshaw, J.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Buller, Sir J. Y.
Campbell, A.
Chetwode, Sir J.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Corry, rt. hon. H.
Darby, G.
D'Israeli, B.
Douglas, Sir H.
Douglas, Sir C. E.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Follett, Sir W. W.
Fuller, A. E.
Gaskell, J. M.
Gordon, hn. Capt.
Graham, rt. hon. Sir J.
Greenall, P.
Hamilton, W. J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hepburn, Sir T. B.
Hodgson, F.
Hodgson, R.
Hope, hon. C.
Inglis, Sir R. H.
Irving, J.
Jermyn, Earl
Johnson, W. G.
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn Sir E.
Law, hon. C. E
Lincoln, Earl of
Lopes, Sir R.
Mackenzie, W. F.
MacGeachy, F. A.
Marsham, Visct.
Morgan, O.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, Sir R.
Pollock, Sir F.
Pringle, A.
Reade, W. M.
Round, J.
Russell, C.
Scarlett, hon. R. C.
Somerset Lord G.
Stanley, Lord
Sutton, hon. H. M.
Tennent, J. E.
Trench, Sir F. W.
Trotter, J.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Wood, Col.
Wortley, hon. J. S.
Wyndham, Col. C.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

House resumed. The report to be received.

INCOME-TAX.—WAYS AND MEANS.] Sir *R. Peel* moved, that the House resolve itself into a Committee of Ways and Means, to consider the Income-tax resolutions.

On the question that the Speaker leave the Chair,

Mr. *Blewitt* said, that the right hon. Baronet opposite had introduced a tax which had been received with universal execration by the people of this country. In connection with that tax, the right hon. Baronet had proposed certain amendments in the tariff, and the general feeling throughout the country, a feeling in which he participated was, that it was not in the power of the right hon. Baronet to carry the amendments he had proposed. In that opinion he said that he shared, because he remembered a noble Duke in another place declared, that if the right hon. Baronet brought forward any proposition in which that noble Duke did not coincide, that he and his party would turn the right hon. Baronet out of the position which he now held. He saw a corroboration of this in a newspaper of yesterday, which contained an account of a meeting held in Lincolnshire, at which a gentleman stated that he had been told by a noble Duke, that if he were to oppose the tariff, the right hon. Baronet at the head of the Government would be obliged to modify it. Believing, then, that the tariff would most likely be carried in the shape proposed, he thought they ought first to consider the tariff before they proceeded with the question of the Income-tax. Taking into account the probable expense of the war with China, the right hon. Baronet had calculated the deficiency in the revenue at about 3,000,000*l.* but now he called on them to raise, by means of an Income-tax, 3,770,000*l.* He would not be doing his duty to his constituents if he consented to the right hon. Baronet raising 770,000*l.* more than he had shown any absolute necessity for; and until the right hon. Baronet could show that there were no other means of making up the deficiency, he for one would never consent to the imposition of an Income-tax. Having no wish to take up the time of the House; and having stated shortly his objections to going on with the Income-tax, he would conclude by proposing a motion to the House. The hon. Member concluded by proposing as an amendment to leave out from the word "That" to the end of the question, in order to add the words

"Part of the produce of the Income-tax which has been proposed by her Majesty's Government is intended to form a fund to provide for a large amount of existing taxes to which this House has not yet consented, and which it may refuse to reduce or repeal; that the adoption of the said Income-tax, under such circumstances, would impose upon the people, already suffering under very severe privations, a greater burden than the necessities of the public service for the current year will require; that this House, therefore, will not again resolve itself into a Committee of Ways and Means on the Income-tax, until after the House shall have determined what amount of the existing taxes it will consent to reduce or repeal."

Mr. *S. Crawford* said that he wished to make a very few observations on the question. During the recess, he had taken the opportunity of communicating with his constituents on this subject, and he had made up his mind to support the proposition of Government so far as it went to lay a tax on real property, because he was of opinion that such a tax would fall on the rich, and exempt the poor. He also felt inclined to support the proposal for taxing non-residents and funded property. In agreeing in the opinions of his constituency on these points, he also concurred with them in thinking that there were disadvantages arising from the tax which counterbalanced the advantages of the measure. He was of opinion that the tax on incomes derived from trades and professions would be of a most oppressive and unjust nature, more especially any tax on commercial property would, at the present time of distress, be peculiarly oppressive, and ought not to be submitted to. In 1833, when Mr. Robinson proposed an Income-tax, he also proposed to take off taxes on consumption to the amount of 3,000,000*l.* His great objection to the tax now proposed was, in consequence of its being proposed for the purpose of sustaining monopolies, while an abatement of the duty on foreign corn and sugar would have gone far to replenish the revenue, and to render the tax itself unnecessary. He also objected to the tax on the ground that it was proposed for the purpose of carrying on wars which, in his opinion, were sinful and unjust; that with the Chinese was to support a contraband trade, and to enable this country to introduce a poisonous herb into China; and in India they were endeavouring to place a tyrant over an unwilling people. The state of the revenue of the East-India Company had been put forward as a ground for the tax; but if the East-India Company had been wasteful and extravagant, he saw no reason why the House and the country ought to be called on to make up any deficiency on that account. The hon. Member then read two resolutions passed at meetings held at Rochdale, condemnatory of the tax, to the effect that—any deficiency in the revenue ought to be met, not by an Income-tax, but by a corresponding reduction in the expenditure. He did not wish to oppose the right hon. Baronet as a party man, but he felt bound to give his measure that opposition which he thought the interests of the country required. He felt surprised at the right hon. Baronet not taking into account the revenue which would arise from the increased importation of foreign cattle—he had made no estimate of revenue from this source. In opposing the Income-tax, he was greatly influenced by his having no idea how long it would be continued. The right hon. Baronet had proposed three years in the first instance, but he had not informed the House by what means he expected to be able to dispense with the tax at the end of that period. He would not trouble the House further. He felt it his duty to his constituents to state what he had done as explanatory of the vote which he intended to give.

Mr. *T. Duncombe* said, that as this motion seemed to be treated with silence by Ministers, he wished to state very shortly how he intended to vote if the motion should be pressed to a division. He had heard, in answer to a question put to the right hon. Baronet in regard to the tariff—which, by the way, he always supposed to be part and parcel of the Income-tax measure—that the right hon.

Baronet was not now prepared to stand by the tariff as originally laid on the Table of the House, but that considerable modifications were to be made in that tariff. Now, what was the question involved in the motion of the hon. Member for Monmouth? Simply, that the House ought to be acquainted with the extent of the duties proposed to be reduced before it laid any additional burdens upon the people. They heard, that it was very prevalently stated throughout the country—and the farmers not quite one hundred miles from London had been told—that the tariff would be postponed, or at all events considerably modified. They were told to swallow the pill of the Income-tax, or else the right hon. Baronet would be turned out of office, and the tariff would be postponed. He did not care whether the tariff were postponed or not; but he did hope that it would not be modified or altered in any way to such a degree as not to be worthy the acceptance either of the people or the House. He felt sure, that the right hon. Baronet would feel greatly indebted to him, for giving him an opportunity of explaining whether it had ever crossed his mind to postpone the tariff. He did not believe the right hon. Gentleman had any such intention; but it was right that individuals out of doors should not be misled by persons within—that persons should not be allowed, for the sake of bolstering up a vote, to say to the farmers, "Oh, do not take alarm at the tariff; it may be postponed." The motion, in his opinion, directed itself to that point; it asked the House, before agreeing to the Income-tax, to take care and clearly to understand that the duties in the tariff were to be repealed to the extent proposed. He had always understood that the tariff and the Income-tax were to go *pari passu*, and that, if any accident should happen to the Tariff Bill, here or elsewhere, that the right hon. Baronet was too honourable to seek in that case to press the Income-tax. The motion ought not to have been met by the silence and by the contempt of Ministers. They had treated it as one totally undeserving their attention, while, if the right hon. Baronet had taken the trouble to read the resolution, he would have found that it contained a good deal of reason, justice, and common sense.

Sir *Robert Peel:* The hon. Gentleman had asked him whether it had ever crossed his mind to postpone the consideration of the tariff after he should have obtained the sense of the House in favour of an Income-tax. Without hesitation, he would answer that question by saying, that it never had crossed his mind to do any such thing. Some little delay had been found necessary before bringing on the discussion of the tariff, but he was sure the House would, when the matter was explained, readily acquiesce in the propriety of that delay. Many important interests would be seriously affected by the alterations proposed, and it was considered but just to give the parties an opportunity to have the subject duly weighed before the measure was introduced, in order that the tariff might undergo such changes as circumstances seemed to demand. He had great hope, that on Monday next he should be able to introduce the tariff so amended; and he thought he could state with confidence, that it would be considered by an immense majority of the House that, in the amended tariff, they had, in all its essentials, adhered to the principles of the original tariff. The delay between this and Monday arose solely from a wish on the part of the Government to hear the statements of those affected; still he was justified in saying none of the alterations would be considered as a departure from the general principle of the measure. He trusted that because of these few day's delay, the House would not refuse its consent to this preliminary resolution on which to found his measure for an Income-tax. It was very important that he should have leave to bring in the bill, in which the details and machinery of the measure would be distinctly set forth. The amended tariff must be in possession of the House before they would be called on to vote for the second reading of this bill. If then the House should consider that there was any departure from the general principles of the tariff after passing this resolution, it would be perfectly open to the House to withhold its assent to the second reading of this measure and reject it altogether. With respect to the delay of a few days, he had already stated that such a notion had never entered into his head as that imputed to him by the hon. Gentleman's observations opposite. It was quite clear that by the general reduction of the duties he had proposed, an important question arose as to the necessity of an

Income-tax. The proposed reduction in the duties would involve a sum of 1,000,000*l.*, or 1,200,000*l.*; under which circumstances a little delay might not be considered unadvisable. He thought that hon. Gentlemen could not accuse him of entertaining any such notion as when endeavouring to get the House to pass this Income-tax, at the same time to be voluntarily engaged as a party to the postponement of the tariff. He had acted throughout with the most perfect good faith, and he did not think by the short postponement of the tariff that they had any reason whatever for refusing their consent to this preliminary resolution, which was necessary to have passed, to form a foundation for the introduction of the bill. The House should bear in mind that it would have the fullest opportunity of recording their dissent against the principle of this bill in its future stages. The hon. Gentleman the Member for Monmouth had said that the proposition of an Income-tax had met with universal execration. Now, his (Sir R. Peel's) impression was totally and entirely different. He, on the contrary, considered that the proposition had been received with general and universal approbation throughout the kingdom. He would not, however, quarrel with the hon. Gentleman on this subject; but he begged to assure the House that, from the numerous communications which had been made to him, he thought there was a very strong and general impression among the commercial, manufacturing, and trading communities, since the commercial tariff and commercial policy of the country was made known, that they hoped to derive the greatest advantages from the passing of the measure, which would conduce, in a great degree to the interests and prosperity of the country. After having delayed proceeding with the measure until after the holidays in order that that tremendous burst of indignation which had been anticipated by hon. Gentlemen opposite might be allowed to have effect, every opportunity had been given for this tremendous demonstration. And if hon. Gentlemen opposite were satisfied at this loud explosion of public indignation on the subject, he could assure them he was equally well satisfied. They could then approach the consideration of the question with mutual satisfaction, as each party had gained their end.

Mr. *Ellice* was glad to have the present opportunity of offering a few remarks upon the subject before the House, and of saying that he so far agreed with the right hon. Baronet (Sir R. Peel) that, finding a great deficiency of revenue, and an increasing expenditure, he had no other course to take than that of appealing to the property of the country to make good the deficiency, and at the same time to give as much relief as possible to the suffering commercial interests of the country. He said that he thus agreed with the right hon. Baronet, not because he should have been at a loss to have found some other theoretical mode of proceeding that might have been better in itself, but because in his (Sir R. Peel's) situation, he did not see what other practical course the right hon. Baronet could have adopted. Although he had stated this, yet he could not concur with the right hon. Baronet in his Income-tax. What the right hon. Baronet should have attempted, if there were any overwhelming public exigency (but he did not at present see any very severe pressure)—what he should have attempted to do, according to his view of the case, would have been to have found some less objectionable principle under which he could have brought a tax upon property to the assistance of the revenue, without having recourse to the old Income-tax, with all its inequality and unfair pressure upon the community. Agreeing as he did with the right hon. Baronet that there must be some means taken for maintaining the credit of the country, and making the revenue more adequate to the expenditure of the State, one of three modes must be adopted. They must either have recourse to further taxation upon articles of consumption, or they must endeavour to divert a part of those taxes which were now paid to support monopolists into the public Exchequer; or they must do that which the right hon. Baronet wished to do under the guise of an Income-tax, appeal to the property of the country to support the credit of the country under its present exigencies. But when he gave his general assent to the principle of the right hon. Baronet, he felt bound to say that there seemed to him to be some great errors in his budget. He thought there were some things in the budget which would have the effect of increasing the deficiency of the revenue, and which appeared to him to be perfectly uncalled for. He could not understand why they were to abandon the tax upon timber. ["The Whigs proposed it."] He knew they had proposed an alteration, and he should have preferred the budget of last year to the one now proposed by the right hon. Baronet, if it had been practicable to carry it. Nobody recollected better than he did the difficulties his right hon. Friend (Mr. Baring) had to encounter when he was called upon to take the office of Chancellor of the Exchequer. His right hon. Friend did all that he could do. He appealed to the House to increase taxes upon articles of consumption. The House assented, as it ever would do in cases of emergency. But that failed him. The additional tax produced but a very small sum towards the amount his right hon. Friend calculated upon. Last year his right hon. Friend was very much in the same situation as the right hon. Baronet was now. His right hon. Friend was obliged to come forward to supply a deficiency in the Exchequer. His proposition was to endeavour to obtain a part of the sum abstracted from the pockets of the public by monopoly taxes, but which did not find its way into the Exchequer. He hoped to have obtained from that source a sum sufficient to meet the public wants; and he thought it was unfortunate that the right hon. Baronet (Sir R. Peel) and his party opposed that proposition. Still he would not disguise from himself that probably the sums expected to be derived from those sources were somewhat exaggerated. In principle, they were the best that could have been proposed, under the circumstances of the country. He, as an older practical observer of the workings of measures of finance, might probably not have entertained the same opinion as his right hon. Friend as to the productiveness of his measures; still, whether so or not, the alterations proposed were right, and were very creditable both to him and to the Government who supported him. It was beginning a new era in endeavouring to remove the shackles and impediments that interfered with the trade of the country; and so far as the right hon. Baronet (Sir R. Peel) had imitated his right hon. Friend (Mr. Baring), he, on behalf of his constituents, and on the part of the commercial community, gave the right hon. Baronet his sincere thanks. But what had induced him principally to allude to this subject, was the proposition of his right hon. Friend last year in respect to the timber duties, which was to reduce the duty on foreign timber. Now his opinion last year was that the way they ought to proceed with regard to timber was to levy an additional duty on American timber at once, by way of revenue, and then, when they had more nearly equalized the duties between foreign and American timber, if the state of the finances admitted it, they might at a future day reduce the duty on both together. But the plan of the right hon. Baronet, as well as that proposed last year, was to give up the present duty. Why, he could not possibly understand. There was only one interest—the shipping interest—that could have any possible claim to such a favour. He admitted that the shipowners were entitled to every indulgence, and if they had complained, it might have been reasonable to have given them relief. But who else was there that suffered so much more from a tax upon timber than upon any other commodity? If the right hon. Baronet had proposed an additional duty of 20*s.* upon Canadian timber, with a view to equalize the duties on colonial and foreign timber, and then, when the state of the country admitted it, have proposed to reduce the tax on both, he could have understood it; but he could not see why, instead of imposing a certain additional sum on Canadian timber, and maintaining the present duty on foreign timber, a reduction should be made of the latter duty that would subject the revenue to a loss of above 1,000,000*l.* An additional duty on Canadian timber would have been raised; the trade would have borne it. He had himself fully examined this subject upwards of twenty years ago. If, indeed, compensation to the Canadians was considered necessary, there was a mode at hand. Why not take off the paltry duty of 2*s.* or 3*s.* a quarter upon Canadian wheat? He could not understand why that tax was maintained. The taking off that duty would have been a full and adequate compensation to the Canadians for any loss they might have sustained by an additional duty on timber. He could not, therefore, help thinking that the proposed reduction of duty on foreign timber was altogether a sacrifice of revenue. Then with respect to a property tax. He was not one of those who thought that there was something so sacred about property, that they could only approach a property tax in time of war. He could not conceive why property should not at all times be taxed. It was a source from which assistance could be most easily drawn under all circumstances, and with the least injury to the different trading interests of the country. But if it should be desirable to impose a tax upon property, why not attempt to arrive at some reasonable and equitable mode of raising that tax, especially in the peculiar times in which they now lived? He represented a great commercial city (Coventry). Let the right hon. Baronet go and witness the depression of the trade of that city, and then let the right hon. Baronet allow him to ask, whether it was fair to tax the income derived from a declining trade, or to put the persons who were engaged in that trade, and contending with the difficulties of their situation, to the obligation of either saying—"We have nothing. We lost last year; and we have nothing to return as income:" or else, for the sake of endeavouring to maintain their credit, inducing them to make a return of some reasonable average of profits? Then with respect to professions, the same hardship was produced. He thought, under the peculiar circumstances of the country, and particularly at a time when there was no great urgency in public affairs to require haste, an effort should be made to arrive at some reasonable means by which the inequalities of an Income-tax should be avoided, at the same time the revenue be maintained. This was not the only country where a property tax had been established. When Gentlemen talked of direct taxation he believed that nearly half—certainly one-third of the whole taxation of France—was derived from a direct tax upon property; and, when Gentlemen talked of the impossibility of imposing a tax upon property separable from income—why, in France nobody thought of taxing profits or income, except derived from property. In the different states of Switzerland there was a property-tax. Everybody was obliged to go before a commissioner to state, beyond his landed property or other visible property, which was easily assessed by the collector, what other capital he had engaged in trade; and an average per centage was put upon that property, but there was no tax upon profits. He knew that all this led to great difficulties; he did not mean to say that they could easily adopt such a measure as this. It was one which required great care. It was much easier to walk in the footsteps of those who had gone before, and adopt a burden which they had devised, with all its inequalities and injustice, from which it was impossible an Income-tax could ever be exempt. He for one sincerely thanked the right hon. Baronet on behalf of the commercial interests of the country, for the great relief he had promised to afford by his new tariff; and he could place such confidence in the right hon. Baronet of his intention to do what he had honestly promised to do, that he could not assent to the motion of the hon. Member (Mr. Blewitt), which was, that the House should refuse to pass the right hon. Baronet's first measure for fear they should not arrive at a satisfactory result with respect to the second. He knew enough of the right hon. Gentleman to be convinced that he meant honestly to carry out the whole of the measures he had propounded; he would not, therefore, be a party to impede his course: and, above all, though most earnestly opposed to the injustice, to the inequality, and to what the right hon. Baronet would find throughout the country to be considered the odious character of an Income-tax, he would not throw any unnecessary obstacle in the way of a well regulated property-tax.

Mr. *T. Duncombe* in explanation, disclaimed having said, that the right hon. Baronet had the intention of carrying his Income-tax, and then throwing overboard the tariff. He was sure the right hon. Baronet could not have any such intention, and he had only called upon the right hon. Baronet in consequence of what had been said out of doors, to state so explicitly to the House.

Sir *R. Peel:* What the hon. Gentleman asked was, whether it had ever crossed his (Sir R. Peel's) mind to do so; and to that he had given a distinct answer; and now he hoped the House would consent to treat this subject in a proper manner, and discuss it in committee. The hon. Gentleman (Mr. Blewitt) was at liberty to divide the House upon his motion he wished to do so.

Mr. *Blewitt* denied having said, it was the intention of the right hon. Baronet to abandon the tariff; what he said was that the right hon. Baronet might be forced to do it. Giving the right hon. Baronet full credit for a sincere and honest desire to redeem his pledge, he would with leave of the House withdraw his motion. He did not think it was in good taste for the right hon. Baronet to denominate the speech of an honest and independent Member of Parliament as an explosion. If the House would allow him he would make a prophecy. The gallant Commodore below (Sir Charles Napier) had made a grand explosion at San Jean d'Acre; now he (Mr. Blewitt) would venture to prophesy that if the Income-tax should be carried, there would be such an explosion in the country that would blow the Members of this House from one side of it to the other.

Sir *R. Peel* said, he had made no allusion to the hon. Member. He had remained perfectly tranquil under the hon. Member's explosion. He spoke of the explosion which was threatened to break out in the country during the holidays—an explosion created by the universal execration with which this measure would be met throughout the kingdom.

Motion withdrawn, House in Committee.

The *Chairman* read the resolution formerly moved by Sir Robert Peel as follows—

"That it is the opinion of this committee that, towards raising the supply granted to her Majesty, there be charged annually, during a term to be limited, the several rates and duties following, that is to say; for and in respect of the property in any lands, tenements, or hereditaments, and for and in respect of every annuity, pension, or stipend, payable by her Majesty, or out of the public revenue of the United Kingdom; and for and in respect of all interest of money, annuities, dividends, and shares of annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in Great Britain, from any kind of property whatever, whether situate in Great Britain or elsewhere, or from any annuities, allowances or stipends, or from any profession, trade, or vocation, whether the same shall be respectively exercised in Great Britain or elsewhere; and for and in respect of the annual profits or gains arising and accruing to any person or persons not resident within Great Britain, from any property whatever in Great Britain, or from any trade, profession, or vocation, exercised in Great Britain; for every twenty shillings of the annual value or amount thereof, sevenpence."

Question put, and resolution carried.

The *Chairman* then read the second branch of the resolution—

"For and in respect of the occupation of any lands, tenements or hereditaments (other than a dwelling house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof, three-pence half-penny."

Mr. *M. Gibson* said, that the right hon. Baronet had made a statement so completely the reverse from those made by the hon. Member (Mr. Blewitt) as to the feeling of the country upon the question of the Income-tax that he was sorry they had not the opportunity of ascertaining the fact in the most legitimate way; namely, by receiving the petitions of the people. They had no opportunity to receive petitions on this question. He was glad to hear the hon. Member for Finsbury say he should take the sense of the House upon the propriety of the rule as to not receiving petitions at certain stages of any measure. The right hon. Baronet, by way of inducing hon Members to vote for the Income-tax, had promised that it should only last three years. He could not see any reason, if the tax was necessary now, why it should be less necessary in three years' time. The right hon. Baronet had laid it down that the deficiency of the revenue was a permanent and not a casual deficiency, and that if nothing were done to prevent this disparity between the revenue and the expenditure, the deficiency would last. What had the right hon. Baronet proposed that would enable them to dispense with this tax in three years' time? It was true he had brought forward a tariff reform, by which he said he would revive the trade of the country, make the customs duties more productive, and thus increase the expenditure of the country. No doubt such a policy would in time have the effect the right hon. Baronet anticipated, but it must be by bolder and more comprehensive measures than were now proposed. Talk of the visionary theorists of the Anti-Corn-law League. Why, the right hon. Baronet expected a larger result from his commercial reform than ever was expected by the most sanguine and visionary enthusiast. He could not conceive how the right hon. Baronet could suppose, that at the end of three years four millions could be derived from other sources than those now open to him, in consequence of his commercial reform. Therefore, knowing how much they had heard of the impropriety of holding forth expectations which could not be fulfilled, and of the impolicy of giving rise to hopes which would afterwards be disappointed, he concluded there must be other commercial reforms coming, but which for the present were postponed—perhaps an alteration in the duties on foreign sugar. Some treaty perhaps with Brazils, or some other ground caused its postponement. There must be some such circumstance in order to justify the right hon. Baronet in holding out the expectation that this Income-tax could be dispensed with at the end of three years. He could only say that if there were any new reforms to be made—if, for instance, there were any proposition to come forward for equalizing the duties on inheritable real property with the duties on personal property if there were any such intentions on the part of Government, he regretted that they were not brought forward now: because he thought, on a future occasion, the right hon. Baronet would not find the same subserviency as that which supported him now. The time of Parliament would be advanced, and Members would soon have to meet their constituents, and they would not be so subservient, so docile, nor so willing to be led wherever the right hon. Baronet might be disposed to lead them. But he entertained no hopes of such measures, and he feared that if the Income-tax should be now adopted it would become a permanent part of our system. And why not, if it were so just a tax as the right hon. Baronet said it was? If every one would pay according to his means to support the State, and according to the degree of benefit he derived from the State, he would ask why should the right hon. Baronet hold out the hope that he would give up so good a tax at the end of three years? If the tax were so good and so just, why, when there should be a surplus, instead of giving up this tax, should he not give up taxes on consumption, which the right hon. Baronet himself said were so injurious and unjust? Thus, the argument of the right hon. Baronet is not consistent. He says, "I will put on a good tax; but I will give it up at the end of three years, and will maintain all those which are so injurious." He had not at present given his own opinion upon the Income-tax; and before he did so, as he might be supposed to have spoken in disparaging terms on the tariff, he wished to say that he should not be expressing his own opinion or the opinions of his constituents if he were to say that in the tariff there were not many improvements, and which were not considered both by himself and by them to be a more free system of commerce. He did not go so far as the *Agricultural Advocate*, which had stated that the Anti-Corn-law League had found in Sir Robert Peel a fit minister for their purposes, because he believed the reductions were, in many instances, of so trifling a character, and the articles affected so insignificant, that the alterations amounted to little more than mere make believe. He considered the doing away of prohibition on the introduction of foreign cattle, although the duties were still high, to be a step in the right direction, which would lead to great improvements in our commercial system. He regretted, however, that the right hon. Baronet had not made a bolder attack upon the system of protection. The right hon. Baronet had quoted the opinion of Mr. Deacon Hume, a man of deservedly high authority, looked up to by the Anti-Corn-law League and their party; but he wished the right hon. Baronet had thought of one quotation when making his alterations in the tariff; he wished the right hon. Baronet had thought of the saying of Mr. Deacon Hume, "that people cannot pay private taxes and public taxes too." He wished that instead of reducing those duties which went into the Exchequer, the right hon. Baronet had made a bold attack upon those taxes paid by the consumer, but which did not go into the Exchequer, but into the pockets of private classes. The West India proprietors secured to themselves the difference between the duty of 8*d.* on foreign coffee and 4*d.* on colonial. The question he had put to himself was this: Supposing the commercial reform proposed by the right hon. Baronet would produce the effects he himself anticipated, and there was a deficiency in the revenue, ought he to consent to an Income-tax? In considering this question it was necessary for him to bear in mind that they were not about to enter upon a large, a bold, a comprehensive scheme of fair taxation. They were engaged in no such scheme. The plan of the right hon. Baronet was only to levy a contribution for a given period in a certain way upon the country. Now, he contended that this particular way did distribute the burden of contribution unjustly upon the people. The right hon. Baronet had professed that he wished to take from all parties according to their means, but he failed to realise his professions, because he exacted from persons in trade, and from persons who lived by their learning and faculties, as much as from individuals of real property. He appealed to every man, Conservative or Liberal, whether this was jnst, and moreover whether they would sanction injustice with their eyes open? Did not such flagrant injustice invite every species of evasion? As an excuse the necessity of the State had been urged, but what necessity was greater than that of being just? The very plea of necessity showed that the proposers of the law knew it to be unjust. The right hon. Baronet had said that all taxation must be unjust; financial science had not yet discovered the means of imposing taxes with equality. He begged to know whether the experiment of imposing taxes equally had ever been tried? The Income-tax formerly adopted had failed; it had been weighed in the balance and found wanting, on account of its inequality It had been the studied endeavour of the framers of our laws not to levy taxation equally, but to ascertain how they could favour particular classes, and shift the burden from the shoulders of one party to those of another. If half the zeal, half the energy, half the ingenuity displayed in making taxation unequal, had been evinced in making it equal, we should have now heard no complaints of injustice and oppression. The right hon. Baronet had said much of the exhaustive process; but he seemed to have avoided some obvious sources of taxation, and his politicial opponents could have given him a useful lesson upon this point, but they were right in not giving it, upon the very principle stated by the right hon. Baronet at Tamworth, when he said he would not prescribe until he was called in. Not only was the tax unjust in itself, but it was unjust in its mode of collection; to realize the sum calculated upon, the Income-tax must be levied with the utmost strictness and severity, and the system existing of old must be revived, of employing persons to give information against those who were supposed not to have given in a fair account of their incomes. Spies and informers must be set to work, and a pecuniary interest must be given to them in the additional amount they procured for the Exchequer. Could anything more obnoxious or more repugnant to English feelings be devised? Mr. Pitt imposed 10 per cent., and endeavoured to raise a revenue from it by a lax system, but finding it unavailing he imposed 5 per cent., and collecting that with rigour, by the aid of spies and informers, he found that it produced him as large a revenue as the 10 per cent. When the right hon. Baronet taunted the opposition side of the House that there had been no explosion, no expression of public feeling, he ought to recollect that the people of this country never began to move until they began to smart. Depend upon it, all in good time, the right hon. Baronet would find quite as loud an explosion as he could desire, but it might be the intention of the present Cabinet to impose this tax for a short time, and then to get a new lease of popularity by repealing it. This might be a good party manœuvre, although the right hon. Baronet might not have given his consent to it. He (Mr. Gibson) believed that it would prove a mere delusion to promise that the Income-tax would be repealed in three years: it would prove a delusion also that any important articles of consumption would be reduced in price: the tax would be most unequal and oppressive, and the collection of it odious and injurious. On all grounds, therefore, he should resist the imposition of it.

Mr. *Wason* proceeded to say, that there was in fact no question before the committee: the first resolution, if he were not mistaken, had been put and carried. The hon. Member for Dover (Mr. Rice) had risen before the question was put and after it had been carried, but had not persevered in his intention to address the House, because the hon. Member for Southwark had informed him that the resolution had been agreed to. He wished to know whether he was correct in saying that the resolution had been put and passed?

Mr. *Green* (the Chairman) was not aware that the hon. Member for Dover had risen. He had certainly put the question upon the resolution, and, after a pause, had declared that he thought the ayes had it.

Mr. *Wallace* had come down to take part in the debate, having hitherto been prevented from attending by indisposition.

He had not heard one word of the resolution read from the Chair, nor did he even hear the Chairman declare that the ayes had it. He believed, however, that it was quite open to any Member to discuss the whole question on the second resolution. For his own part, he had been taken by surprise, and at a disadvantage.

Sir *E. Knatchbull* had no doubt that the hon. Member had not heard the question put, but that it had been deliberately put he was quite sure, and that it had been heard by Gentlemen standing below the bar. The hon. Member for Dover had certainly risen twice, but twice he had resumed his seat. He had sat long in the House, and could assert that he never heard a question put more distinctly and deliberately: afterwards there was almost a dead silence, indicating surprise that no Member on the opposition benches rose to speak.

Mr. *Hawes* observed that the Chairman, quite unintentionally he was sure, had put the question in a tone of voice, and with a rapidity of utterance calculated to take off attention. He should not have said so but for the solemn and emphatic manner of the right hon. Baronet when asserting the contrary. He was sitting close to the Table at the time, and had not heard the question put, and left his seat to ask the Chairman whether he had in fact put it. All the Members round him had participated in his doubts, and some Members on the Treasury bench seemed to look with extreme surprise when they found that the question had been put and carried. Nobody had risen to speak, because they were not aware that the opportunity had arrived, much less that it had been lost.

Mr. *Ellice* had sat near the Table, and did not hear the question put. The effect was, that those who objected to the resolution had been deprived of the opportunity of voting against it; but many other occasions would offer themselves.

Mr. *T. Duncombe* did not consider it of much importance whether the committee divided upon the first or second resolution. He, for one, had not heard a syllable of what was read by the Chairman, excepting when he declared that the ayes had it. He hoped that the hon. Gentleman would speak louder in future. He was quite sure that the right hon. Baronet would not take advantage of the accident.

Mr. *Lindsay* stated that he had distinctly heard the question put when he was below the bar and outside the green door.

Mr. *V. Smith* remarked, that in that case the Chairman was much better heard out of the House than in it. He had not heard the resolution read, but merely the declaration that it was carried; it certainly was not read in the usual solemn and formal manner. If the second resolution were even successfully resisted, the right hon. Baronet would be able to found his measure upon the first resolution.

Sir *R. Peel* said, that hon. Gentlemen could hardly plead ignorance of the resolution itself, seeing that it had been upon the notice paper for about the last three weeks. At the same time, they might not be aware when it was actually passed. He was certainly aware of the course taken by the Chairman, and heard him say that the ayes had it. He was surprised that it had passed, and that no hon. Member on the other side had risen to oppose it. He admitted that there had been some inadvertence, but still the resolution had been passed; and it would be a course of extreme danger to endeavour to reverse the vote. The debate might proceed on the second resolution, but it seemed to him that it would be much better to enter into a discussion of the whole question on the report. It was not his wish to take undue advantage of any accident.

Alderman *Humphery* observed, that he was sitting near the Table, and could assert that the question was put most deliberately. He had not seen the hon. Member for Dover rise until the Chairman had said that the ayes had it.

Mr. *Rice* said, that he had risen after the right hon. Member for Coventry (Mr. Ellice), being desirous of saying that it was especially necessary at this period for this country to display the extent of her energies and resources. He would not treat this as a party question, and he believed that the proposal was founded upon the best economy. It was perfectly consistent for the Members of the late Administration to resist the Income-tax, because they had proposed to augment the revenue by reducing the burdens of the people; but he should offer no opposition to the measure of the right hon. Baronet. At the same time he must say, that to tax fluctuating incomes in the same degree as fixed property, was a great injustice, and he hoped that some remedy might be found for it. He had always been in favour of direct taxation, and so far as this tax was direct, he approved of it. A large sum must be raised for the exigencies of the State, and he was willing to give a candid consideration to any proposal to meet the necessities of the public service. On this account, he should not resist the introduction of the bill.

Mr. *Gibson* explained that he had understood the right hon. Baronet to say that he could not discriminate the sources of income, and would rather abandon his plan than attempt to make the discrimination.

Sir *R. Peel* had been misunderstood on that point. He had never said, "I propose my plan, and you can make no alterations in it." He had merely stated that the tax ought to be in proportion to income, and that for that purpose he would take the principle of former acts. He had heard nothing in the slightest degree to shake his opinion that the tax should be imposed upon income, and not exclusively upon property, nor was there any ground for saying that it was only a resource for time of war. A tax upon income was the basis of his financial policy, and he meant to defend that principle to the utmost; but he had never said that he would abandon it because some alteration might be made in the details; he had never held out any such expectation as that he would abandon the tax altogether because the House might be against him on some particular point.

Mr. *Gibson* recollected the words of the right hon. Baronet very distinctly, and the published reports would confirm his memory. The right hon. Baronet had said, "There ought to be no discrimination as to the sources from which income may be derived; and if you attempt to remit the tax upon any principle which has reference to the sources from which income is derived, we must abandon the tax altogether." Such was then the language of the right hon. Baronet, although he might be disposed now to admit of modifications.

Sir *R. Peel* added, that he did not recognise the justice of the principle of discriminating, and he meant to do all in his power to carry the tax upon the principle he had stated in the outset.

Mr. *Rice* explained that he was not in favour of exempting incomes derived from professions, but of modifying the tax as regarded them.

Mr. *Wallace* said, that he had been a commissioner under the former Income-tax, and was acquainted with the working of the whole system. Wherever he had been of late, he had heard the inequality of the tax reprobated, whether by men in business, or by such as were engaged in agriculture; but all admitted that the right hon. Baronet had managed it with great tact and apparent cunning, in order that one portion of the House might be set against another. Thus the Members for Ireland were arrayed against those of England and Scotland, by relieving that country from the operation of an Income-tax. The reason was, that the right hon. Baronet had no machinery there by which to work it, inasmuch as no assessed taxes existed in Ireland; he could establish no system of espionage in that country. He could speak from his own knowledge of the oppressiveness and injustice of the tax in former times, when he was a commissioner. It was objectionable, not merely because it was burdensome, but because it was inquisitorial, and, therefore, odious. He was a young man at the time, and in a very short time he found his duties so painful, and incompatible with the feelings of a gentleman, that he had told his father that he would no longer continue an actor in such a scene of iniquity. If he were not much mistaken, the right hon. Baronet would find difficulties of this kind in his way on the present occasion. He was speaking of the day when 10 per cent. was exacted, and on this occasion there was no difference in point of principle, and very little in point of practice; for the right hon. Baronet had passed a bill which nearly brought 10*s.* to the value of 20*s.* That bill and the enormous amount of the national debt with which the right hon. Baronet's predecessors had saddled the nation, were at the root of the evils under which we now suffered, and not the seven or eight millions that the late Ministers had allowed to go into arrear. If it were true that we were at war with three or four different countries, why did we not borrow money as we had done before? and if we were not at war, why did they not postpone the tax? He had himself sat as a commissioner of the Land-tax with men of different classes, with landowners, with merchants, and once with a wine merchant, who were strict scrutinizers of income, wanting to know how other people got through the world better than themselves. They were, indeed, sworn to secrecy, but somehow or other it all got wind, the clerks perhaps peached, and it was no uncommon thing to hear it asked, "Is it true that Mr. So-and-so has only such an income?" How would landowners like all their incumbrances and family allowances thus made known? Then, again as to commercial men supposed to have large incomes, they might have lost much the year before, but they would be glad to pay a large tax upon what they did not possess, because if their customers knew that they had lost so much the year before, their trade would be destroyed altogether. They would, therefore, give an income which they did not possess, and injure themselves, rather than lessen their credit. The right hon. Baronet now estimated the produce at a small sum, but he believed it would be much larger; the screw would be put on to a great extent. He knew how it was done before, for he had been a commissioner of the assessed taxes from the time he was born, he might say. [*Laughter.*] He might raise a laugh, but it was true. The assessed tax commissioners in Scotland were generally the justices of the peace, and he was himself on the list of justices when he was eleven years old, and became a justice on attaining twenty-one, just because he was born with a silver spoon in his mouth. That was the reason why they had so many discreditable magistrates in Scotland: they succeeded as justices as they succeeded as heritors. And having seen what had been in Scotland under the old act, he wished to put the people on their guard as to the machinery employed. He should have other opportunities for discussion, but he now objected to the measure on every ground, both as a Member of the House and as a member of the community; and he had no hesitation in saying, as far as he could judge, that the people approved of the conduct of those Members who had stopped this measure, and sincerely thanked them, whilst they did not like those Members of the late Ministry who went out of the House at a certain hour of the night, and left their posts undefended. The people highly approved of the conduct of the hon. Member for Finsbury (Mr. T. Duncombe), and thought him their best friend. The people did not understand what the word "factious" meant; they thought that the Radical Members had only done their duty, and could not distinguish between faction and duty. Those who had been absent on the recent division had not done their duty.

Mr. *Christmas* had thought there had been a growing feeling in the country in favour of direct taxation, and he thought also that this mode had found great favour with hon. Gentlemen on the other side of the House. Although he did not concur in that opinion, he had felt great satisfaction in finding such a mode of taxation adopted by the right hon. Baronet, as fixed a great portion of the other side of the House to support it. He was aware that the Income-tax might give rise to some injustice in respect to annuities, and as to incomes derived from taxes and salaries; though he did not see that they should go entirely free, yet he admitted that there was some hardship in putting the same tax on incomes which depended on the exertions of individuals, and might be interrupted by illness, as on more permanent incomes. Holding these opinions, the simple question was, whether the urgency was so great as to make up for these defects? He thought that it was, and that her Majesty's Government were fully justified in their proposal. In a great country like this, the revenue should be equal to the expenditure, or rather exceed it; and they were called upon to adopt some mode of taxation in which there should be no uncertainty. Hon. Gentlemen opposite were always professing themselves favourable to commercial reform, and they ought to prefer, as he did, the tariff of the right hon. Baronet to their own, especially that part of it which related to the timber duties; for the late measure would have deeply injured Ireland—it would probably have thrown much Canadian timber out of the market; this would stop emigration to Canada, and in proportion as they stopped that emigration, they would inflict an injury on Ireland. It was said that Ireland was to be exempted from the Income-tax, but it had to pay two other new duties, and he confessed that if money must be raised, he preferred taking it by a tax on spirits, which would operate as a discouragement to intemperance. He would, however, call the attention of the right hon. Baronet to one or two parts of that tariff. That which enabled vessels to procure for themselves foreign provisions, had given rise in Ireland to great complaints; and as to foreign cattle, he did not think there would be a great increase, but there should be a higher duty on fat cattle than on lean. Upon starch also, the reduction of duty was very great, and he hoped to see it increased to 10*s*. He would, however, support the right hon. Baronet, for if the alternative were between the Government of the right hon. Baronet and a new Government to be formed by hon. Gentlemen opposite, the only course which he had to pursue was clear.

Mr. *Wakley* thought, that the committee was proceeding with this discussion at a very great disadvantage; and the main resolution having been carried, he could not discover that any benefit could arise from a division being taken against a minor proposition; but he thought that hon. Members near him should rather strive to muster all their force for the purpose of opposing the general measure at a future stage of the proceeding. With regard to the manner in which the first resolution had been put to the House, he begged to assure the hon. Chairman that he had not heard it. He was, at the moment when it was put, engaged in a conversation with some hon. Friends near him upon the propriety of adjourning the debate to another evening, and it had not reached his ears; but he begged to suggest, that for the future convenience of the committee the Chairman should vociferate "Order, order," in as loud a tone of voice as he could command, before he put any proposition for adoption. He thought that it would be improper now to go into a discussion of the proposition which had been already decided; but there was one matter before the committee affecting the landed interests of the country, on which he would offer a few remarks. It had been always felt in all countries, and in all ages, that taxation, to be useful, should be drawn from the people according to their means of bearing it, and that there should be no inequalities in its operation. His constituents asked him why it was that a special provision was made for the farmer, and that no such provision was made for any other portion of the trading community of this country? And they referred to the proposition of the right hon. Baronet at the head of her Majesty's Government by which farmers were exempted from the scrutiny—that oppressive, annoying, and torturing ordeal which tradesmen were to undergo in giving an account of their income. He believed, that the right hon. Baronet had applied all the powers of his intellect to remedy the difficulties in which the country was placed, and he had successfully applied his mind to the necessities of the empire; but in looking at the tariff which he had proposed for the relief of the nation, it appeared that his will was at variance with his proposal. Let them look to the proposal with reference to the exemption of the farmer from the scrutiny. The committee had heard the statement made by the hon. Member for Greenock with regard to the course of conduct of the commissioners under the old acts. Was it nothing to undergo such a scrutiny as he had described? Was it nothing to be questioned —for a man to be put upon his oath—to be treated with contempt, and insult— and though he had given his evidence on oath, for that evidence to be rejected as unworthy of unbelief? This system was not to be applied to parties connected with the agricultural interests of the country; and in answer to the question of his constituents, why such an exemption should be made, he could only refer them to the right hon. Baronet himself, for he confessed his inability to discover any satisfactory reason for it. But it was said out of doors, that by reason of the removal of the prohibition upon the introduction of cattle, the farmer would be ruined. For his own part, he thought that the agriculturist need be under no apprehensions whatever upon this score, for he thought that before the proposition of the right hon. Baronet had been submitted to the House, his calculations had been very shrewdly made, and he was satisfied that the farming interests would suffer no injury from its adoption. He believed that if the necessities of the country demanded a sacrifice, the people were perfectly willing to submit to it; that they were quite prepared to support the honour of the nation by whatever means might be deemed requisite. But they denied that there was any necessity for the sacrifice which was called for, and they demanded that if it was enforced, its weight should fall equally upon all classes. What was the first proposition with regard to the farmer? It was, that if the farmer's rent was under 300*l.* per annum, whatever his profits might be—whatever amount of capital might be invested in his establishment, he should be free from the scrutiny; and that, after all, was the great, the master grievance; and should besides be subject to no

Income-tax. Then, going above 300*l.* per annum, supposing the rent of the farmer to be above 300*l.* a year, his profit was to be assessed at one-half his rent. What, he asked, was the justice of this resolution? He would tell the right hon. Baronet what was passing out of doors—what were the opinions expressed upon this subject by those who were entitled to express their feelings and views. It was believed that this proposition was made to keep the 50*l.* tenants in good humour—that it was a "sop to Cerberus," to satisfy the great land monster of the country. He had heard no satisfactory explanation of this part of the case from the right hon. Baronet. He believed that the right hon. Baronet had the greatest possible difficulties to contend with—he unhesitatingly admitted that he had never known a ministry assuming office under circumstances of greater difficulty, but he thought that some explanation upon the point to which he had adverted was requisite. Then, what was the state of the case with reference to the tariff, and the Corn-law? He believed that the right hon. Baronet himself did not consider that he should reduce the price of bread in this country by the proposal which he had made in reference to the introduction of foreign wheat into England. The tradesman said to this, "See the reduction the Minister is proposing on articles of foreign manufacture; but surely when such a reduction is made, a similar reduction should be made in the price of food," and he thought that this was a very fair and just observation. It was exceedingly difficult to know whether any reduction in the price of food would be made by the measure of the right hon. Baronet, and he believed that those who were most conversant with the subject declared their conviction that there would be no reduction effected; the experiment of the right hon. Baronet might regulate trade with reference to the introduction of foreign corn, but he was convinced that in the actual price of bread no change would be effected favourable to the working man. Looking at the tariff, they found that many of the duties, which were called protective duties, were reduced 50 per cent. and upwards, and they were told that this was done for the benefit of the working classes: but the working people came to him and said—"As the price of food is not to be lowered, are these reductions fair?" Articles of brass, bronze, pewter, copper, shoes, gloves, furs, were all to be admitted at reduced duties; but the working classes declared, that as the consequence of this measure their ruin was inevitable. He believed that the right hon. Baronet desired most sincerely to benefit the country, but he thought that if he gave his proposition some new consideration, he would draw the conclusion which had already been drawn by others, that it was injurious to the interests of the working classes, in permitting the introduction of articles of foreign manufacture at reduced prices, while it did not make a corresponding reduction in the price of food. Something had been said of the introduction of cattle, and of the consequent injury which would be produced to the landed interests of Scotland, and also of Ireland. He was sure that if the landed interests of England would only investigate this subject with a proper feeling, and with a due consideration for the wants and necessities of the empire, if they would but reflect on the immense amount of wealth which they had accumulated in consequence of giving freedom, and therefore increased energy to the commerce of the country, they would be satisfied that the security of their own possessions would be best attained by an extension of that system which had been already commenced. He hoped, therefore, that the right hon. Baronet would again take his propositions into consideration; and notwithstanding the clamour raised among interested parties out of doors, see whether it was not consistant with his duty to bring forward a resolution for the purpose of reducing wheat to a lower price, so as to enable the working people of this country to compete with the foreign artificer—an object which, if he gained, he was convinced would secure him the blessings of millions of his fellow countrymen.

Mr. *Stuart Wortley* thought that the answer to the question, which the hon. Member who had just sat down had put to the right hon. Baronet, was obvious. It was this—that in the case of the agricultural tenant, there was a test as to the amount of property on which the assessment should be laid, whereas with respect to persons who derive a subsistence from trade no such test existed. With regard to the proposition between rent paid by the tenant, and tax imposed upon him, there might be room for discussion, but that was a question entirely different from that upon which the hon. Gentleman had relied, and into which he should not enter. The hon. Gentleman, he thought, had quite miscalculated the result of the measure of the right hon. Baronet with reference to its result upon the landed interests of the country; for he fully believed that the new tariff and the proposed Corn-law would have a most material effect upon the prices of the food of the working classes. In the article of corn alone he believed the reduction of duty would amount to not less than 130 per cent. For his own part he should have been exceedingly willing to have seen a measure adopted with a view to a reduction of the Income-tax in the case of persons engaged in trades and professions. If such a course could be taken without any serious damage being done to the scheme of the right hon. Baronet—and he really hoped that the right hon. Baronet would exert all his ingenuity, and adopt any suggestion which might be offered to him, with a view to carry out this object—which could be adopted without endangering the general success of the measure which he had proposed.

Mr. *Hope Johnstone* would press upon the attention of the right hon. Baronet the case of the farmers of Scotland, who, so far from realising a profit from their agricultural exertions of one-half the amount of their rent, were, in reality, in a far inferior position. If the opportunity were afforded them, he was persuaded they would be able to prove this fact by evidence at the bar of the House.

Sir *R. Peel:* I hope the House will bear in mind the two speeches which have just been delivered on this subject; I mean the speech of my hon. Friend who has just sat down, and that of the other hon. Gentleman, the Member for Finsbury. The latter Gentleman seems to hint that favour was shown to agricultural income, for the purpose of conciliating political opponents; and spoke of rumours being afloat, that the present proposition was brought forward for that purpose. On the other hand, my hon. Friend behind me (Mr. Johnstone) contends, that it is unjust to the agricultural tenants to assume that their income ought to be estimated at one-half the rental, and denies that such is the case, as regards that class of persons in Scotland. I hope that the conflicting opinions contained in these two speeches will serve to convince the House that it was the intention of Government to attempt to deal out an equal measure of justice to all parties. I can, at all events, assure those hon. Gentlemen and also the House, which I hope will support me in carrying through the measure successfully, that in making the proposition there was no intention to conciliate any political parties in the country, the only object being to deal as fairly as possible between the producer and the consumer. I am relieved by the speech of the hon. Member for Finsbury, from some difficulty which I might have in answering various communications I have received, the whole tenour of which was, that the proposed financial scheme went wholly in favour of the manufacturer, and dealt with much injustice by the agriculturists. It will afford some satisfaction to the parties so complaining to hear from the hon. Member for Finsbury that there will be no material reduction in the price of corn, and that upon this point the agricultural classes are labouring under a delusion. The statements of the hon. Gentleman are so completely different from the communications which I have received that I owe him some acknowledgement for assisting me to dispel the alarm which existed on the part of the agricultural body. The hon. Gentleman dwelt strongly upon the favour which the proposition conferred upon the agriculturists as compared with the manner in which it would operate upon manufacturers, and the hardship to which those latter would be subjected by a scrutiny into their trade. I hold in my hand a statement made to the Government on the part of the farmers with respect to the proposed financial plan. This document states that they have never, with the exception of one or two favourable years, made a profit on their farms, including the interest of their capital, nearly equal to half their rents, and that for the last six years there has been a succession of bad crops, which has made the return for their labour and outlay very inadequate. They conclude by saying, that they do not object to an Income-tax, that they are quite willing to pay their fair proportion of the necessary burdens of the State, and that all they desire is, that they should not be dealt with according to an arbitrary rule, different from that applied to other branches of the community, and which, in their own individual case, they think would be attended with injustice, affecting not only themselves but the public at large. The hon. Gentleman opposite says I am unjust to the agricultural interest. To what part of them is that observation meant to apply! [Mr. *Wallace:* To my own country.] Oh! to your own country only. The manner in which, in former periods, the Income-tax has been applied to those engaged in agricultural pursuits, has been by calculating the profits of the farmer on a certain proportion which they have been assumed to bear to the rent. That proportion I reduce from three-fourths to one-half, from a perfect conviction that the rent of the farmer has been raised in proportion to his profits, and because I do believe that reduction to be consistent with justice. I am quite willing to admit, that there are circumstances in respect to Scotland which may make some difference. There are modifications in the act of 1806 which apply to the Scottish farmers. Allowances were made to them on account of the exemption of the land from the payment of tithe. There are also circumstances, I am ready to admit, as to the mode in which county and local charges are borne in England and Scotland, which require some consideration. All I can state is, that I wish to put the Scottish farmer as nearly as may be on the same footing as the English farmer, which is, I think, demanded by justice. I apprehend the peculiarity of the case is, that local charges in that country being generally borne by the landlord, and in England by the tenant, that constitutes a reason why a difference was made in the former act; and I readily admit, that it would not be quite fair to tax the tenants of the two countries in precisely the same ratio. With respect to the general question of imposing this tax, I find throughout the country, as I have said in the course of this evening, a strong sense of the necessity of some vigorous exertion for the restoration of the national finances. I find also, I must say, that interest felt in the maintenance of public credit which induces all parties to come forward with cheerfulness, and take their share in the burdens which may be necessary for this purpose. When it comes to the question of imposing taxes, I must say, I think it highly creditable to this country that there is a generally prevailing inclination to make an exertion for the maintenance of national honour and good faith. I must say also, of the agricultural interest in particular, that I have found among them the greatest willingness to bear their part of taxation, and I am perfectly certain that the prevalence of that feeling will ensure ultimate success to this attempt to equalise the expenditure with the income of Government. At the same time, however, I must say, that concurrently with that general acquiescence, there is on the part of every interest in the country a universal desire to remonstrate against any interference with them, each saying that they are the part of the community which is most hardly treated by the tax. The hon. Gentleman opposite says, for instance, that there is no reduction in the protection to articles of food corresponding with the reduction which I propose in articles of manufacture. It was impossible for me, in dealing with interests so extensive and so complicated, not to anticipate that I should receive remonstrances of that kind. But the consolation which I and my Colleagues have is this—the consciousness that in dealing with those interests we have attempted to do justice, and not to conciliate support. The hon. Gentleman the Member for Manchester said at one time that he was perfectly convinced this tax would be a permanent one, and at another time he said he was perfectly convinced the outcry against it would be so great that a repeal must immediately take place. He said I had promised a repeal of the tax at the end of five years. I begged to remind him of what I really did say. I said I thought a fair experiment could not be made with respect to the tariff in less than five years; but at the same time I proposed that the duration of the tax should be limited to three years, and I reserved to Parliament the full power of determining whether or not the tax should be continued. That was the statement I made; but I am perfectly certain, if the tax should receive that strong opposition with which I am threatened by Gentlemen on the other side, and if the general sense of the country be decidedly against it, that, at the end of three years, Parliament will be unwilling to continue it; but if no such aversion to it should be manifested, then I must say, I hope, that at the end of the period of three years Parliament will consent to the continuance of it for such a period as the public exigencies may require, and it will be for Parliament itself to determine the length of that period on a comparison of the advantages of the tax with its inconveniences. Feeling every confidence that the reduction which I propose in the protective duties will afford ample scope to the development of the energies of the community, I entertain the hope, that unless circumstances not now foreseen should arise, there may be an opportunity of putting an end to this tax at the expiration of the period of five years to which I have referred, but I have a very strong impression that its imposition in the meantime will be for the general benefit of the whole country. With respect to the reduction of the protective duties on corn I have always said that I thought there ought to be a corresponding reduction in the protection on manufactured articles. I propose a reduction of the protection on all articles, almost indiscriminately, on corn and provisions, as well as on manufactured goods. I entertain now the confident belief that there will be from the combined result of all these measures that which I think will be highly desirable to this country,—a reduction in the general expenditure of the people on articles necessary to their subsistence and to their comforts. We shall then hold out an increased temptation to Gentlemen to remain at home, instead of spending their money abroad. I entertain the confident belief, that speaking generally, there will be, on account of the reduction in the price of living—a reduction, be it observed, in the benefit of which the agriculturist will participate equally with the manufacturer and the labourer—a pecuniary saving in the amount of weekly, monthly, and annual expenditure, which will compensate, very nearly, if not altogether, for those sums, whatever they may be, which individuals are called upon to contribute on account of the tax of 3 per cent. on their incomes. Sir, I hope that this House, after having discussed the subject, will come to the conclusion which I have formed, and which further reflection has confirmed, that the present situation of the country does require a vigorous exertion to be made, and that the House will consent to enable us to make the experiment of restoring our finances to prosperity by a tax on the income of the country. If they resolve on an Income-tax, then I hope they will adopt the principle of that Income-tax which has been in force in former years. I hope they will feel, that there can be no distinction expedient in time of peace, in respect of the nature of the income taxed, which might not be appealed to in time of war; and in establishing an Income-tax for a limited time, I hope they will take special care not to establish any precedent which would have a tendency to impair the efficiency of that instrument which you may be compelled to call into action in time of war, and on which your chief reliance may, perhaps, be placed for enabling you to make the income of the country in time of war in some degree correspond with its expenditure. I trust the House will never lose sight of the importance of keeping this principle uninfringed, and if an Income-tax is to be taken, whether in time of peace or of war, I hope the country will see the justice of a proposal to subject the income of individuals to equal taxation. If, in time of peace, you make exceptions in favour of persons holding a life interest, or holding offices, I do say you will be establishing a precedent to which in time of war an appeal may be made with equal justice. I should be inclined, Sir, to doubt the policy of an income-tax at all, if you could not have resort to it without establishing a precedent which might lead to the most dangerous consequences.

Lord *J. Russell* entirely agreed with the right hon. Gentleman in the principle he had laid down, that it would be most unadvisable to impair the efficiency of such a powerful instrument of taxation as an Income-tax, and it was for that reason he should be unwilling to vote in favour of any particular exemptions which might be proposed. Therefore it was, that he felt disinclined now to entertain the proposal of such a tax at all, because he felt, that if you called upon the country to make a great effort of this kind, and if the country found the burden to be very oppressive and very galling, you would, in a certain degree, prejudice any demand which might be made for large contributions in time of war. It appeared that the House had now to deal only with a particular part of the proposition of the right hon. Gentleman, and he wished to say a few words only on this part of the subject. The right hon. Gentleman said, he looked to the principles on which the former Income-tax was levied in fixing the proportion which was to be borne by the agriculturists. He must say, he thought the right hon. Baronet had made a mistake as to the amount of rent which he had selected as the lowest standard on which the Income-tax was to be levied, and that change now made would be very injurious, because, while there were some estates on which, the farms being large, the tenants would have to pay the tax, there were other estates where the tenants, having small farms, would not be liable to any tax at all. If this tax were to last for a certain number of years, the landlord of the latter would derive an advantage which the proprietor of the former would not possess. He thought it was not advisable in any scheme of taxation to favour any particular mode in which a proprietor might choose to let his land. Consequently the proposal of the right hon. Gentleman had this injurious effect which had not attended the former Income-tax. The observation made by an hon. Gentleman representing a part of Scotland, with respect to difference between the Scotch and English tenants, was also deserving of consideration. Under the former Income-tax three-fourths of the rent were taken as the criterion of the profits of the English tenants, and one-half of the rent as the criterion of the profits of the Scotch tenants. There seemed to be some reason for making that distinction, because many charges were paid by tenants in England, being ancient and customary, which were not paid by tenants in Scotland, and therefore the rent of the former was proportionably lower. The right hon. Gentleman said, he found the English tenants charged too much, and he diminished the amount on which the tax was to be rated to one-half of their rents; but it did not appear why some distinction should not be made between the English and the Scotch tenants. He certainly had not heard any reason for not retaining this distinction; but this was a matter of detail, and might be discussed hereafter. With respect to opposite and contradictory complaints having been made, he must say, that though they were opposite, there was very considerable justice in many of them. He thought the hon. Member for Finsbury had made a well-founded complaint when he said that a great distinction was drawn between the landed interest of this country and some of the manufacturing interests, in respect to the lowering of the tariff. It did not appear why the reduction of the duty on corn should be in a smaller ratio than that on metals and leather. He could well understand that the makers of boots and shoes, and workers in brass, might declare their readiness to compete with foreign manufacturers, but then he had a right to ask to be put upon equal terms, and if he found that the corn and flour from abroad would feed him better and cheaper than the corn and flour at home, he might claim to be enabled to buy that corn and flour, in order that he might compete with foreigners. But let him not be exposed to that competition at a disadvantage, for that would not be manifesting that wariness with which the Legislature ought to act in regulating the different duties. He (Lord John Russell) confessed, that the mode which had been adopted in arranging the duties in the tariff was not the fairest which the legislature could have adopted. The right hon. Gentleman said there was an unnecessary alarm prevailing in the country, both amongst the producers of corn and provisions, but that they should recollect that the reduced cost of living would affect them as well as other classes. Now it appeared to him that one of the great evils which had been attendant on the plan of the right hon. Baronet was the suddenness of the change. The change must have appeared most sudden to the class of persons he had alluded to, for, from the declarations and the recommendations of Gentlemen opposite, their supporters had no reason to believe that any such propositions were intended to be made. They were not told that he was aware of, by Gentlemen opposite, that the Corn-laws were so defective that they must be altered. They had not been informed by these Gentlemen at public meetings, or from the hustings, that the prohibitory duties on the importation of foreign cattle were so very absurd and objectionable that they must be abandoned and taken away. If they had previously been informed of this, they would not have the same ground of complaint as they had at present. After such complete silence had been maintained by those whom they had so strenuously supported, was it surprising that the farmers were not ready to see the necessity of adopting the proposed changes. For his own part he sincerely believed, that when the proposed arrangements were made, there was no necessity for the farmers to apprehend any great evils that would result. He must add, that when he recollected the conduct of those who had, both in that House and out, stated that they stood up exclusively as the friends of the farmers, and who arrogated to themselves the sole privilege of protecting their interests, and who had declared that they would keep the Corn-laws intact, and that the prohibitory laws against the importation of foreign meat should remain as they were, he was not surprised at the apprehensions expressed by the farmers. The conduct pursued on this occasion appeared to him as if it were like following the front rank of an army which suddenly turned round and fired on those whom they had induced to follow them. After what had taken place with reference to the first resolution, he did not think it necessary to take the sense of the House on the second resolution, but in bringing up the report he should propose a resolution, as he found that it was only in the House that he could propose an amendment to the resolution. He begged the committee to recollect,that the proposed alteration in the tariff was an entirely different matter from the present proposition; and, in alluding to the proposed changes, he would seriously beg those whom it was proposed to continue to favour with a high protecting duty on corn, seriously to consider whether it was not at once desirable to make the Corn Bill assimilate and conform to the general rule which seemed to be laid down in the proposed tariff with regard to articles of manufacture. If they did not assent to such a change they might depend upon it that constant propositions would be made for the alteration of the proposed duties, or for the abolition of them altogether, and they would be bold, and truly bold, when they made the alterations in the general duties, if they left corn, and corn alone, as an anomaly in the tariff. He trusted that hon. Gentlemen would on reflection see,that it was impossible for them to continue to maintain this high rate of protection alone for one particular interest. He, therefore, would suggest, that it would be better, instead of waiting for one or two years, when they would have to make a further change, to do so now, and thus aid in reducing, as the right hon. Baronet said, the cost of living in this country, which must ultimately prove for the benefit of the landed interest. It would then appear that they did not give any advantage to the foreign manufacturer over our own manufacturer, but that they were prepared to carry out the same principle as regarded themselves for the general interest and benefit of the community.

Mr. *Greene* said, that before leaving the Chair he wished to offer a few words in explanation of his conduct. When the hon. Member for Ipswich had risen to order, he had supposed that the hon. Member had intended to advert to something which had fallen from the hon. Member for Manchester, who had just sat down, and it was only on that account that he had thought it his duty to check the hon. Member. He (Mr. Greene) had little thought that the hon. Member had risen for the purpose of alluding to his conduct in relation to what had occurred during the preceding part of the evening. He was the last person in the world to wish to interrupt hon. Members who were desirous of observing upon his conduct; on the contrary, he was thankful to hon. Members for observing, whether in public or in private, on his conduct in the Chair, for he could assure the committee that he was only anxious faithfully to discharge his duty. It was his conscientious belief that he had put the question fairly and distinctly, and he could assure the committee that nothing could be more painful to his feelings, than to have it supposed that any conduct of his had been such as to prevent any opinion from being expressed, either by the committee or by any hon. Member.

Mr. *W. Williams* had understood the hon. Gentleman to express his willingness to put the first resolution again, if such should be the desire of the House. ["*No, no.*"] It had been his intention to have voted against the first resolution. As, however, that resolution had been agreed to, in consequence of which all the property of the country, except landed property, was to be subjected to an Income-tax, and as the only effect of negativing the second resolution would be unjustly to exempt landed property from the burden to which every other species of property was subjected, he should not, under the circumstances oppose the second resolution. He regretted the error which had taken place, and thought, whenever an error occurred in the proceedings, the House ought to have an opportunity of rectifying it.

Second resolution agreed to; as was also the third, which was as follows :—

"That, towards raising the supply granted to her Majesty in lieu of the several stamp duties now payable in Ireland, there shall be charged, levied, collected, or paid, upon and in respect of every deed, writing, or other written or printed instrument, or in respect of any legacy, or succession to personal estate upon intestacy, or in respect to any other matter or thing now liable to stamp duty in Ireland, the like amount or rate of stamp duty as is now payable in Great Britain."

The House resumed; report to be brought up on Thursday.

Lord *J. Russell* hoped, if the report were to be brought up on Thursday, that the discussion would be commenced at an early hour. He wished to know if the right hon. Gentleman had made any arrangement with those Gentlemen who had notices on the paper for that day?

Sir *R. Peel* said, the only notice that he was aware of was the notice of the hon. Member for Greenock; and as that hon. Gentleman's motion could not be conveniently discussed in the absence of the Lord Advocate, who was at present unable to attend to his duties in the House, in consequence of illness, he trusted the report might be brought up at an early hour.

Mr. *T. Duncombe* had a notice on the paper for Thursday, of which he had given notice in the early part of the evening. It was for a suspension of the standing orders preventing the presentation of any petition in relation to a tax which had been proposed in a committee of Ways and Means. As that motion had some relation to the present subject, and as it would not take long to discuss, he certainly did not feel inclined to give way. Had it been on a matter not in relation to the subject, he would not have hesitated to give way at once.

Sir *R. Peel* said, that the hon. Gentleman had a perfect right to take precedence on Thursday, if he desired it.

Mr. *Wallace* would not, certainly, press for the presence of the Lord Advocate, if he were unwell, sooner than was quite convenient to himself; but he believed that the Home Secretary had a great deal more to do with the question which he had to bring forward than the Lord Advocate. He should not be long about what he had to say; indeed, it was almost matter of indifference to him whether his motion were acceded to or not, as he should make use of it either way. He did not, however, imagine that the House would be detained by the discussion.

Sir *R. Peel* would not bring on the question on Thursday at a late hour in the evening, and if he should be prevented proceeding on Thursday, he would fix on Friday for the bringing up the report.

Mutiny Bill.] Sir George Clerk moved that the report on the Mutiny Bill be brought up.

Mr. Bernal objected to the report being brought up at that late hour, as he had a clause to propose.

Sir *George Clerk* said, that the hon. Member would have an opportunity of preparing his clause on the third reading, and wished to know the precise words of the clause that the hon. Member wished to propose.

Mr. *Bernal* said, the clause he intended to propose was to prohibit the infliction of corporal punishment in the army, except for offences committed on the line of march, or for felony.

Report brought up.

Adjourned.

HOUSE OF COMMONS,

Tuesday, April 5, 1842.

Minutes.] New Members. Ralph Bernal, Esq., and William Dougal Christie, Esq., for Weymouth and Melcombe Regis.

Bills. *Public.*—1°· Indemnity; Barristers (Ireland).
Reported.—Forged Exchequer Bills.
3°· Parish Property.
Private.—2°· Brentford Gas.

Petitions Presented. By Lord Jocelyn, from the Timber Merchants in Lynn, against the Alteration of the Duties on Timber.—By Mr. Duff, from Bellie, Speymouth, Ruthven, &c., against the Importation of Foreign Cattle.—By Sir H. Douglas, Mr. Walker, Mr. Aldam, and Captain Pechell, from the Boot and Shoemakers of Liverpool, Brighton, Shrewsbury, Bury, and Leeds, against the Importation of Foreign Boots.—By Mr. Milnes, from the Liquorice Manufacturers of Pontefract, against the proposed Alteration of the Duty on Liquorice.—By Lord H. Vane, and Sir H. Douglas, from the Stockton and Darlington Railway Company, and from Liverpool, against the Imposition of any Duty on the Exportation of Coals.—By Mr. T. Duncombe, from Prisoners in Whitecross-street, for the Abolition of Imprisonment for Debt.—By Mr. Ferrand, from Chevening, in Kent, for the Continuance of the Protection to Agriculture.—By Mr. Kemble, from the Kingston-upon-Thames Literary and Scientific Society, that Literary Societies may be Exempted from Taxation.—By Mr. Villiers, from Darlington, Tunbridge Wells, Manchester, and other places, for the Repeal of the Corn-laws.—By an hon. Member, from Leigh, for a Law to Prevent Brewers Casks from being Distrained for their Customers Rent.—By an hon. Member, from Kilpipe, and Kilminor, for Alteration of the present System of National Education in Ireland.—From Montrose, Dundee, &c., against the Buildings Regulation (No. 2) Bill.—From Liverpool, for permitting the Grinding Bonded Corn for Exportation.—From Bridport, against further Grant to Maynooth.—From the Operative Cork Cutters of Liverpool, against any Reduction of the Duties on Manufactured Corks.

Southwark Improvements.] Lord *J. Manners* brought up the report of the

Committee on the Southwark Improvement Bill (No. 2), and moved the further consideration of the report.

Mr. *R. Palmer* hoped that the noble Lord would agree to the postponement of the further consideration of the report on this bill until such time as the report of the Committee now sitting on the Southwark Improvement Bill (No. 1) was before them, so that both reports might be considered together. There was a great deal of Church property involved in those improvements, and any measure of this nature required the most mature and perfect consideration. He therefore moved that the report be postponed till the Committee on the Southwark Improvement Bill (No. 1) have reported.

Viscount *Barrington* also urged the propriety of postponement, and hoped the noble Lord would concede to it. He seconded the amendment.

Lord *J. Manners* said, that every point respecting Church property in the bill had been well considered in the Committee, and he should not consider that he was acting fairly by the Committee now to postpone the measure without their concurrence, which he had not had an opportunity of applying for. He must, therefore, press the consideration of the report.

Mr. *Lambton* was in favour of the postponement, and thought the promotion of the bill would lose nothing by the delay.

The House divided on the original question.—Ayes 5; Noes 36: Majority 31.

List of the AYES.

Acton, Col.
Baring, H. B.
Cochrane, A.
Neville, R.
Trotter, J.

TELLERS.

Johnson, W. G.
Manners, Lord J.

List of the NOES.

Allix, J. P.
Baldwin, C. B.
Barnard, E. G.
Barrington, Visct.
Bowring, Dr.
Bryan, G.
Buckley, E.
Butler, hon. Col.
Duff, J.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Eaton, R. J.
Ferguson, Col.
Ferrand, W. B.
Hardy, J.
Henley, J. W.
Howard, hon. J. K.
Howard, hon. H.
Jocelyn, Visct.
Lambton, H.
Lygon, hn. General
March, Earl of
Packe, C. W.
Pechell, Capt.
Praed, W. T.
Reade, W. M.
Ricardo, J. L.
Scholefield, J.
Thornely, T.
Tomline, G.
Vane, Lord H.
Vere, Sir C. B.
Walker, R.
Yorke, hn. E. T.
Yorke, H. R.

TELLERS.

Estcourt, T. G. B.
Palmer, R.

Report postponed.

REGULATION OF TURNPIKE TRUSTS.] Mr. *M. Sutton* moved for leave to bring in a bill to continue for a limited term the local turnpike acts, and to provide for the better regulation of turnpike trusts in England and Wales. In doing so, the hon. Gentleman observed, that considering the amount of debt on the turnpikes was as much as seven millions of money, and considering also the state of the trusts, and the effects of the increase in railway communication on the traffic of those roads, from which traffic the revenues of the trusts were derived, the House must be convinced of the propriety of introducing a measure having for its object the improvement of the security of the mortgagee, the maintenance and repair of the roads, and, if possible, the gradual and entire repayment of the debt. He did not intend to include in the provisions of the measure he now asked leave to introduce either those roads which were not under the management of trustees, or those the maintenance and repair of which were provided for by private acts; neither did he intend to include those trusts to which advances had been made by Exchequer-bill Loan Commissioners. A great benefit would be given to mortgagees in the improvement of their security if the Legislature would consent to continue the other local acts for a specified and certain term; and therefore, he proposed, first, to continue those local acts for the period of forty-one years. In the next place, he proposed to take away the power which mortgagees now had to seize the tolls and revenues of the trust when they thought fit so to do. By taking away the power of any single mortgagee of seizing the whole of the revenues of the trust (no matter what his claim might be, and though those revenues perhaps exceeded by a hundred fold or more the amount of the claim he had) nominally for the purpose of paying a rateable proportion to the other mortgagees as well as himself, but practically to be in possession of those revenues for six months, they would be depriving him of the exercise of a power which had a tendency to throw the trust into a state of disorder, and perhaps of insolvency. To increase the security of mortgages, he proposed partially to divest the trustees of that power which they at present possessed of incurring fresh burdens, and negotiating fresh loans; not to take that power away entirely, but to prevent their exertion of it without the sanction of the executive Government. Instead of the mode adopted under existing acts, he proposed that it should be incumbent upon the trustees to select from their own body finance committees, not exceeding seven or less than five in number, whose duty it should be, half-yearly, to examine and audit the accounts of the revenue and expenditure of the trust, as well as to estimate the expenses to be incurred by the trust in the following half-year; those accounts and estimates to be transmitted by them to the Secretary of State for the Home Department, who should lay them, as at present, before Parliament. He proposed also, not only that a certain half-yearly payment should be made to the mortgagee, which should be the first lien on the tolls, but that it should be incumbent on the treasurer of each trust to retain in his hands such part of the revenue of the trust as would be sufficient to meet the demands of the creditor, for the purpose of paying that creditor his demands, and for no other purpose; and if, as in some instances might be the case, the whole of the revenue of the trust might not be sufficient to meet these demands, then the treasurer should retain in his hands the whole of the tolls and pay a rateable proportion to the creditor. Such half yearly payment to the creditor he proposed should be 5 per cent. per annum, which sum was not to be considered as entirely in the nature of interest, but as partaking of the nature of interest and of the nature of a re-payment of the principle. Looking at the improvement in the security which this bill would give the mortgagees and all the other circumstances he had referred to, he was convinced that the rate of interest could not be fairly calculated at more than 4 per cent.; he proposed, therefore, that in no case should the interest paid to the mortgagee exceed 4 per cent., and that the remainder of the 5 per cent. should be considered as part payment of the principal of the debt, and he had calculated from the estimates of an eminent actuary that the payment of 1 per cent. per annum would, at the expiration of forty-one years, fairly and honestly repay that principal. He, believed, the provisions of his proposed bill would secure regular payment to the mortgagee, and that at the termination of forty-one years the mortgagee would not only receive the fair interest of his money, but be repaid the amount of his debt. This was, in fact, the main principle of the measure, but subsequent to the payment of the 5 per cent., the second lien on the tolls and revenues would be the maintenance and repair of the roads; and if after that there were any excess, he proposed, that it should be still applied to the further extinction of the debt. In conclusion, the hon. Gentleman observed, that his measure would, by timely interference, prevent the insolvency of the turnpike trusts, which would throw on the land the whole burden of maintaining and repairing the turnpike roads in general.

Colonel *Sibthorp* said, he did not rise for the purpose of opposing the introduction of this bill; but when the hon. Member talked of forty-one years he fixed a period which few then present would survive. He could only say, that many persons had invested large sums, nearly 13,000,000*l.*, he believed, in these trusts, in the hopes of making a provision for their families, a hope which was unhappily now falsified. The whole of the misfortunes, and the necessity for this bill, had arisen from the confounded system of railroads, which was overspreading the country. He (Colonel Sibthorp) had foretold this long ago; but he did not the less regret to see his predictions verified. He had only further to say, that he hoped every care would be taken of the interests of those unfortunate persons who had embarked their capital in those trusts.

Mr. *E. Turner* said, the turnpike trusts were in a very bad way, and he thought 4 per cent. interest would not be paid by the trusts unless assistance were given by the Government.

Mr. *Manners Sutton* could not hold out any prospect of assistance from Government; but the creditors could be prevented calling for immediate repayment of their debts, as the security given under the new bill, as well as the interest proposed, would place them in a sufficiently favourable position.

Leave given.

BARRISTERS (IRELAND)] Sir *V. Blake* moved for leave to bring in a bill to alter the law in relation to the admission of barristers in Ireland. As the law now stands, persons who sought to be admitted to the Irish bar were compelled previously to spend a part of their terms in England. The object of this bill was to transfer such portion of the required time to the inns of Dublin.

Lord *Eliot* did not rise to oppose the motion of the hon. Gentleman, but he wished to guard himself against the supposition that he, by adopting such a course, pledged himself to the principle or details of the measure. He would only say, that he had not had any representations made to him from Ireland on the subject, and therefore he must reserve his opinion for a future occasion.

Bill brought in, and read a first time.

THE FLOATING BREAKWATER.] Lord *Ingestre*, in rising to bring forward the motion, of which he had given notice, for a copy of the letters patent for England, granted on the 4th July, 1838, to Joseph Needham Taylor, and also for reprinting the minute or paper presented by Mr. Bentham to the Navy Board, on the subject of the Breakwater at Plymouth, ordered by the House to be printed Feb. 18th, 1812, said, that it would not be necessary to trouble the House at any great length. The bill to which the motion referred, viz., a bill for the Formation of a Floating Breakwater, on the principle for which Captain Taylor had obtained a patent, had been referred to a committee up stairs. He understood, that the grounds on which that patent had been obtained, were fallacious, and the widow and residuary legatee of Sir Samuel Bentham asserted, that the principle had been announced by that gentleman to the Navy Board in the year 1811. With regard to the latter part of the motion, he should not press it, as he understood that a sufficient number of copies of that minute were already in existence. He should, therefore, merely move for a copy

"Of letters patent for England, on the subject of the Breakwater in Plymouth Sound, granted to Joseph Needham Taylor, dated 4th July, 1838, with the grounds on which the patent was granted."

Captain *Pechell* did not know what was the noble Lord's object in bringing forward this motion. If it was to show, that Captain Taylor was not the original inventor of the plan, or that the plan itself was not a good one, it became him to make some farther statement to the House, in order that those who advocated the formation of these floating breakwaters might know what his objections were. He found that in 1811, Sir Samuel Bentham, feeling annoyed at not being employed in the construction of the Stone Breakwater at Plymouth, suggested the plan of a floating breakwater on the same principle as Captain Taylor's. The recommendation was made to the Board of Admiralty of the day, and consequently was not attended to. He thought that, instead of crying down and putting aside the plan of Captain Taylor, the noble Lord, as a brother officer of Captain Taylor should have promoted it. Sir Samuel Bentham did originate a plan that would have cost a million less than the Plymouth Breakwater, but Captain Taylor's was by no means a copy of it. He hoped, that the noble Lord would not press the motion.

Lord *Ingestre* had no object whatever but to elicit the truth. From what he understood, Sir Samuel Bentham being, in 1811, civil engineer to the Admiralty, was asked to give his opinion on the project of erecting a breakwater in Plymouth Sound. Sir Samuel Bentham furnished two plans; one of them was a plan of a floating breakwater, being similar to that proposed by Captain Taylor. Now, the representatives of Sir Samuel Bentham were of opinion that Captain Taylor had obtained his patent on false grounds, not having been the original suggestor of the floating breakwater. The object of the present motion was to enable the House, before a bill that was now before a committee, passed, to form an opinion as to which was the original inventor of the breakwater. He meant no disrespect to the service in withholding his titles from Captain Taylor, for he (Lord Ingestre) believed the usual form was merely to mention Christian names and surnames. He repeated, that in moving for a copy of the patent, his object was only to obtain those details which would show the facts connected with the case in dispute between the parties.

Mr. *Labouchere* thought, that this was a subject which the House could not entertain, for they had no jurisdiction over patents. If the parties spoken of by the noble Lord thought that they were the representatives of the original inventor, their remedy was, not to appeal to that House, but to proceed by action in a court of law. It was evident, therefore, that if the noble Lord carried his motion, he still could not advance his object, for the opinion of that House could not decide any disputed right between the parties.

Lord *Ingestre* did not want the House

to judge between the parties. He only wanted the House to know who was the real inventor of the breakwater, before it was called upon to assent to a bill to carry Captain Taylor's plan into effect.

Sir *Charles Douglas*, in supporting the motion, said, that a company had been formed upon the patent which Captain Taylor had obtained, and there was now a Bill of Incorporation before a committee up stairs. Now, as the House would have to adopt or reject the bill, he thought they should have before them every important fact connected with the case, and those facts his noble Friend's motion would produce.

Motion agreed to.

House in committee on the

CORN IMPORTATION BILL.] On the 9th clause, relating to the averages,

Mr. *Barclay* rose to move an amendment, of which he had given notice, and which he could assure the House he did without the least hostile intention towards the bill of the right hon. Baronet, to the principle of which he was not opposed. In proposing to add 139 new towns to the list of towns from which the average prices of corn were to be returned, he felt persuaded that they were proposing to do what was quite unnecessary as a protection against frauds in the returns, and if not necessary as a protection against fraud, it would certainly be better that no alteration should be made. The right hon. Baronet had stated that he believed the frauds in the averages had been greatly exaggerated. He believed so too; for if even there had been frauds on one side, there had been frauds likewise on the other side, and the result of those antagonist efforts on both sides had been, that the duty had remained nearly where it would have been had nothing been done on either side. There would be no inducement for any one to operate on the averages when the duty would fall only one shilling at a time. It was only in what was called the jumping part of the scale, when the price rose to 69*s.*, and when the duty varied 3*s.* or 4*s.* for every shilling that the average rose, that it could be worth the while of any speculator to tamper with the averages. But if the addition of these new towns to the schedule was not necessary for the prevention of fraud, it was a general opinion among men of all parties that it would have the effect of depressing the average prices of corn. Some people had estimated the depression at five shillings. He did not himself think it would be so much, but he had consulted several practical men, men connected with the corn market, and others, and they all were of opinion that great depression would be effected by the proposed addition to the schedule. They differed as to the amount, but they all thought there would be some depression. Some thought five shillings, some thought three, some estimated it at only one. Now, the right hon. Baronet had assured the House that he did not aim at any depression of the averages, and he had also told them, that there was no necessity to guard against frauds. But if the addition to the schedule was not necessary for the prevention of fraud, a suspicion would be excited that the averages were sought to be depressed. By such a depression the interests of the clergy would clearly suffer very materially. Upon what principle did the right hon. Baronet propose to settle his terms with the clergy? Did he propose to make a new settlement with them, or were their interests to be regulated by the averages as now obtained, without the addition of the 139 new towns? All difficulties of that kind would be prevented, if the right hon. Baronet would remove from his schedule the 139 towns proposed to be added by this bill. He would repeat that he did not bring forward his amendment in any hostility to the bill, though he certainly would not abandon his opinion, that a fixed duty would have been a more satisfactory adjustment than any kind of sliding-scale. As a practical farmer he should prefer a definite protection to one which, at one time gave him more protection than he wanted, and at another time gave him none at all. The hon. Member concluded by moving as an amendment,

> "That it is not expedient to make any addition to the number of towns from which returns are now made for the calculation of the average prices."

Mr. *Greene*, the chairman of the committee, suggested that the present was not the proper time for moving such an amendment, though it might be a very convenient time to discuss the principle. The amendment, as now proposed, bore the character of a distinct resolution. The proper course would be to reserve the amendment till the schedule was before the House.

Amendment withdrawn.

On the question being again put,

Mr. *Childers* rose to move the following clause in substitution of clause 29:—

> "That from the passing of this bill up to the 1st day of May, 1843, the duty to be paid on the importation of foreign corn shall be regulated by the averages of those towns only which have hitherto made returns in accordance with the act of 9 Geo. 4th.; but that from and after the 1st day of May, 1843, the duty shall be regulated by the averages of all the towns named in the schedule attached to the present bill, unless Parliament shall in the meantime otherwise direct."

His motion did not appear to apply substantially to this clause, yet, as it related to the averages, he thought it would be convenient to the House then to bring it forward. [Mr. *Gladstone*—The question does not arise.] He would then move that all words after the word "and" be omitted. His object was not to do away with the addition of the towns; but as the right hon. Baronet had said that he had no wish to depress the averages he thought it would be worth while to consider whether they would now pass a clause relating to the averages which, having passed, could not be recalled, or give an opportunity for its further consideration. His proposition was, that the schedule should remain as it was, but at the same time that they should not act upon the averages under it for twelve months. By this means they would be able to ascertain whether there really was any substantial difference in the two modes of taking the averages. He thought there were good grounds for bringing forward this motion, when from both sides of the House it had been stated, that the effect of the alteration would be a considerable fall in the average of the annual price of corn in this country. The hon. Member for Somersetshire stated distinctly that, in his opinion, that fall would be 3*s*. or 4*s*.; and in his (Mr. Childers's) opinion, the infliction under the new scale would be very heavy at high prices, and at the highest almost intolerable. He could not conceive what reason there could possibly be for retaining the high prices of 71*s*., 72*s*., and 73*s*. in the scale; for he thought that when the averages rose to 68*s*., the sooner they imported at the lowest duty the better. He thought he might also appeal to the right hon. Baronet to support his plan on the ground of what he (Sir R. Peel) stated last night, in the debate on the Income-tax—namely, that it would again come under the consideration of Parliament at the end of three years, when the House would be able to judge of its operation and the propriety of continuing it—a principle which, he though, might also be advantageously extended to the present question.

Sir *R. Peel* said, that the hon. Member opposite appeared to wish that the existing towns should be retained, and yet, he proposed to leave out the only clause by which any towns whatever could be used for the purposes of the measure. If the object of the hon. Member were to keep the law as it now existed with reference to the towns at which averages were to be taken, why did he not move in accordance with such a purpose? If he aimed at keeping the law unaltered, the mode he took of doing so was extraordinary. [Mr. *Childers* proposed omitting all the words in the present clause for the purpose of substituting another form of words.] The ninth clause was the portion of the bill which the hon. Member proposed to leave out altogether. He begged the House to observe what was proposed to be enacted by this part of the bill; the clause ran in these words:—

> "And whereas it is necessary, for regulating the amount of such duties, that effectual provision should be made for ascertaining from time to time the average prices of British corn; be it therefore enacted, that weekly returns of the purchases and sales of British corn shall be made, collected, and transmitted in the manner hereinafter directed in and from the cities and towns named in the schedule of cities and towns annexed to this act."

Now, by the proposition of the hon. Member, it was intended to get rid of the averages altogether; in that he could not acquiesce. In support of his argument, the hon. Member said that when the price of corn was 66*s*. or 67*s*. no duty whatever ought to be charged, and that her Majesty's Government in bringing forward the present measure ought to have so modified the provisions of the bill as that no duty should be chargeable at a price of 65*s*. or 66*s*. Surely that doctrine was fatal to the principle of a fixed duty, for the supporters of a fixed duty would impose a tax of 8*s*. or 10*s*. at all periods, and in every state of the market; the 8*s*. duty was a penalty attaching to the importation of corn under all circumstances. The hon. Member was of opinion that the importation of corn should be free when the price rose to 66*s*.; the Government measure provided that it should be so when the price rose to 73*s.*; but the fixed duty scheme would lay on a tax of 8*s.* or 10*s.* even when the price was as high as 73*s.*, or at any price whatever; that certainly must be the effect of a fixed duty. [Mr. *Childers* said, that under the plan of a fixed duty, corn would never reach to such a price as 72*s.*] But suppose that it should reach such a price, what did hon. Members say to that? Could they deny that if it reached 78*s.* the fixed duty would be the same as if the price were only 53*s.*? That in a certain state of things it would never reach 73*s.* was a mere matter of speculation, which it was very easy to suggest to the hon. Member opposite in order to assist him in getting out of the dilemma in which he had placed himself. With respect to the additional towns at which the averages were to be taken, it was a mistake to suppose that the addition of them, or their being wholly omitted, would have the effect of raising the price of corn; the addition would not raise the averages, it would make the system more just. It had been said on the other side, that frauds were practised in both ways—were practised for the purpose of raising prices, and for the purpose of depressing them. On that he should observe, that he had multiplied towns for the purpose of preventing fraud. But then, the hon. Member contended, that one fraud balanced another, and that the system, in its working, righted itself. The House surely would not say, that one injustice ought to set against another. He did not say, that the frauds were confined to one side, they might be found on both, but he trusted, that the effect of the measure which he introduced, would be to prevent sudden fluctuations. Much had been said of the frauds, but he entertained no doubt that they had been greatly exaggerated; admitting, however, that some frauds had been practised, he relied upon the gradual decline of the duty to prevent their continuance, and there might be many faults in the system, besides the frauds. He had been asked, why he had selected the towns contained in the schedule; to that his reply was, that he had selected those towns in fifteen of the chief agricultural and manufacturing districts. If the object was to ascertain what were the real prices of corn, the obvious mode of accomplishing that object could not be any other than to select the principal corn markets of the kingdom. It was true, that he had proposed to continue the Income-tax for three years, then to cease, unless Parliament should otherwise determine, but that could form no reason for adopting the principle of the hon. Member for one year, unless altered by Parliament. He therefore adhered to the proposition he had made as it now stood.

Mr. *Hawes* differed in opinion from the right hon. Gentleman, whose object, according to his own statement, was to prevent frauds from being practised in taking the averages, and who, in order to produce that effect, had added to the number of the towns, as well as greatly diversified their localities. In his opinion the frauds referred to took their rise in very different causes. He had taken pains to inquire into the subject, and he had asked several eminent dealers in corn whether the nomination of additional towns as average towns was likely to produce any alteration in the price of wheat. All of those to whom he applied had said, that the effect would be to lower the average price of corn by from 2*s.* to 4*s.* per quarter; and as a necessary consequence the duty would rise in proportion 2*s.* to 4*s.* He had gone further than this. He had applied to another gentleman, who was a very large dealer in corn, to know what the general effect of the new mode of taking the averages would be, and his opinion was, that the principal portion of the additional towns had been selected from those counties where there was a bad growth of wheat; that is to say, a small proportionate quantity, and bad comparative quality of corn; and that the fewest towns had been selected from those counties where wheat was grown in greatest abundance and of the finest quality. The consequence of that would be, that a larger quantity of inferior wheat would be thrown into the market, and the averages would be lowered. Couple that fact with the more stringent mode about to be adopted of taking the averages. The Excise—a body of men under the superintendence of Government — were to be employed; and knowing how much the Government was influenced by the landed interest, it was certain they would expect the returns to be strictly enforced. A larger portion of inferior corn would be in the market, and the effect of that would be a rise in the duty. He would now say a few words as to the general selection. On turning to the statistical work of Mr. M'Culloch, he found that certain counties were enumerated as growing the largest quantity of wheat of the finest quality, according to their acre-age. Those counties were, Kent, Essex, Suffolk, Hampshire, Berks, Rutland, Herts, and Herefordshire. Mr. M'Culloch said, that, generally speaking, the agricultural produce of Wales was lower than any other part. He was not responsible for those statements, but, assuming them to be well-founded, let the House observe from what parts of the country the majority of towns had been selected to furnish the averages. He found that in Kent four towns were added, in Essex three, in Suffolk none, in Hampshire one, in Rutland one, in Herts four, in Berks four, in Hereford one. He would assume, then, that certain great producing counties in the north and south of England were, taken generally, inferior in the production of wheat to those he had enumerated. But he found that of the great towns of Lancashire three had been added; in the northern part of Yorkshire four had been added. In Lincolnshire ten had been added, in Stafford nine, and in Wales twelve. If he went to the west and south of England, he found that in Somersetshire four towns had been added, in Devon three, and in Cornwall four. Thus he found that forty-nine towns had been added from districts generally growing wheat of an inferior quality, while only twenty towns had been taken from districts growing wheat of the best quality. Now, he would ask the right hon. Gentleman, whether he could show that he had added towns from districts growing wheat of the finest quality in the same proportion as from districts where it was inferior? He could defy the right hon. Gentleman to prove that. Then, again, looking at the manner in which the fifteen great agricultural towns and the fifteen chief commercial towns had been selected, he observed the same feature to pervade the choice that had been made—for London, where wheat was always high-priced, had been left out—and Liverpool, where the price of corn was always lower than in the generality of towns, was inserted. He would ask why this was done? He was bound to say, that the tendency of the measure was to affect the averages as against the public. What had been the effect of the frauds which had heretofore been practised? Why, whatever might be said respecting the persons who had been engaged in those transactions, the effect of them was in favour of the public by tending to diminish the duty. But now it was said the object was to prevent fraud, yet they were about to institute a system which would lower the nominal price and raise the duty. If they desired to be just towards the consumers, they ought to alter the scale and attach a lower duty to some of the figures, by way of compensation for the effect that would be exercised upon the averages. That might put the scale on an equal footing, but now the alterations made were against the public, and in favour of the exclusion of foreign corn. He approved of the proposal, that for the present year the duty should be regulated by the averages of those towns only which had hitherto made the returns, and thought that no interest could be injured by it. The hon. Member (Mr. Childers) did not seek to prevent the bill coming into operation, but he desired that the return of the averages should for the present be regulated by the old law, while the importation of corn should be governed by the new. That was a fair and intelligible proposition to which no valid answer had been given from the other side. Before he sat down he would request the right hon. Baronet to show distinctly that he had made a selection of towns from the districts in which superior wheat was grown in the same proportion as from districts where the wheat was inferior. If the right hon. Gentleman had not done so, the result would be lower averages and higher duties.

Mr. *Darby* said, the bill ought to be considered as a whole. Its object was to get rid of the mischiefs of the former Corn-laws, and one of those mischiefs was the temptation which it offered to speculators to force up the price of wheat at certain states of the market. The object of the present bill was to prevent this from being done. By the combination of the London dealers, the averages were raised beyond what they were in the country. Was the object of the hon. Member to keep up that system under which enormous frauds had been committed? He altogether disputed the facts of the hon. Member as to the country districts, and under these circumstances the fair way was to take the whole of the bill together. He should oppose the motion.

Mr. *Gladstone* said, that he objected to the proposition of the hon. Member for Malton to postpone for a twelvemonth the introduction into the averages of the returns from the list of new towns, because in a great measure like the present, which was calculated to agitate the minds of large classes of persons, it was desirable to make whatever alteration was designed once for all, and not to fret and worry by the prospect of further alteration those whose interests were affected. It was most desirable that whatever change was to be made should be made at once. The hon. Gentleman complained that the Government had set their faces against the public in the matter of the averages; but what the Government had really set their faces against was the prevalence, and, as far as practicable, against the possibility of fraud. The hon. Member must feel upon consideration that the clause was actually in favour of the public. The hon. Member remarked, that whatever might be said of the frauds that had been practised, as affecting individuals, still the effect of them had been favourable to the public. That would be a sorry apology if true; but was it so? He admitted that the immediate operation of lowering the duty by raising the average price appeared to tell in favour of the public, but the hon. Gentleman, by his present assertion, ran counter to the whole course of the arguments he had used against a graduated scale. What had been alleged to constitute the evil of a graduated scale was, that speculators had thereby facilities for raising the prices, and were tempted to keep back their corn out of the market. Did not that allegation depend upon the supposition that it was by fraud or tampering with the averages that the prices were to be raised? If that allegation were true, the fraud was, in point of fact, the greatest mischief to the public, because by those means facilities were given for raising the prices, and thereby the inducement to keep corn out of the market came into operation. The hon. Gentleman (Mr. Hawes) had referred to authorities. He could refer to authorities also — authorities which if named would carry great weight with the House, and who, so far from coming to the conclusion that a change of 3*s.* or 4*s.* would be made in the averages by the proposed addition of towns from which the returns were to be derived, were strongly of opinion that there would not be a change of so many pence. He had heard with astonishment the assertion of the hon. Gentleman (Mr. Hawes), that the new towns proposed to be added to the list had been generally selected from the districts in which inferior wheat was grown. It would hardly have surprised him more if the hon. Gentleman had asserted that these towns had been selected only from the districts in which superior wheat was grown. The hon. Gentleman had selected eight particular counties in which fine wheat was grown, and compared the number of towns proposed to be added in these counties with the number of towns to be added in eight other counties, where the growth of wheat was inferior. The proportion of towns to be added in the fine wheat growing counties, as compared with the number to be added in the counties producing wheat of an inferior quality was, he said, as twenty to sixty. Thence he inferred that the general average price of wheat would be reduced, and the duty at which foreign wheat could be admitted proportionably increased. Now there would be some force in that argument if the hon. Gentleman had taken the whole of the fine wheat growing counties, and the whole of the inferior wheat producing counties, and shown that the disproportion in the number of towns to be added, as applied to the aggregate, was such as he stated it to be in regard to the particular counties he had selected. The fact was, that the Government had been at especial pains so to select the towns in all the different districts of the country, as to equalise their distribution throughout: and he had no reason to doubt that the effect would be to render the proportion of those where good wheat was brought to market, as compared with those where inferior wheat was brought to market, as nearly similar as possible to what it had been upon the old list. There were many other counties in which the wheat grown was quite as fine as in those mentioned by the hon. Gentleman. In Surrey, for example, three new towns had been included where there was but one of the old list; Worcester, three new towns and only one old; Somersetshire, four new towns to six old ones; in Shropshire, seven new towns and not one old one; and lastly, in Staffordshire, that great manufacturing and consuming county, where there was the finest corn and the highest prices, there was not one single town in the old list, and under the new one eight were included; in point of fact, those five counties grew among the finest wheat in the country; in those five counties twenty-five new towns were introduced, while there were but eight old ones, and this would for the present sufficiently serve to test the very rash allegation of the hon.

Gentleman. Now he would like to know how the hon. Gentleman meant to substantiate his allegation. Perhaps, however, it would be well for him to state what had actually taken place with respect to this new list. The object of it was to provide against fraud, and to obtain more accurately the real price of corn in England and Wales, and the desire of the Government was to obtain a considerable number of towns of the largest markets. For that purpose they communicated with the chairman of the Board of Excise, and they called on him, in the first place, to assist them in making out a list of the largest markets, and subsequently in making a correction of that list; and, moreover, to regulate the list of agricultural towns, on the one hand, and the list of manufacturing and commercial towns on the other in such a manner that the numbers of the two classes respectively upon the new list might bear the same proportion to one another as on the old one. Now, this was a simple narrative. The hon. Gentleman spoke of prices in certain towns being 4*s*. or 5*s*. higher in the manufacturing and commercial towns than in the agricultural part of the country, and he quoted a return made last September in proof of his proposition. When he stated, that that was a particular period, namely the period before harvest, when speculation prevails in certain markets, he (the hon. Gentleman) said "Yes, but what is true of one particular period was true of another." Why, some thousands of averages had recently been laid on the Table of the House, and there was not one of those returns that would not show the immense effect that was produced on several occasions in particular markets, by speculation at that particular time, and nothing could be more ludicrously fallacious than that the prices of that time or place should be held a proof of the prices in other times and places. The hon. Gentleman had referred, in support of his view, to the returns laid on the Table exhibiting the course of prices in the fifteen agricultural towns, on the one hand, and the fifteen manufacturing and commercial towns on the other. Now the principle of selecting those fifteen towns was to take the largest markets. The hon. Gentleman blamed the Government for including Liverpool, where very low averages prevailed instead of high ones. This censure, then, made against his own proposition, which was, that in every large town the range of averages was necessarily high. The case of Liverpool proved, that in very large towns the averages might range very low; for instance, when there was a considerable consumption of corn imported from foreign places, since though the foreign corn was not entered in the returns yet it had the effect of keeping down British corn. The hon. Gentleman asked, why leave out London? It was very true the averages of London were higher than those of the other fifteen manufacturing and commercial towns. No doubt London was the centre of speculation; but the fact was likewise in part caused through the quality of the corn consumed. But it was not necessary to exclude London, for if the metropolis were included with the other fifteen towns, the difference in the range of prices for a long period would be very inconsiderable. He had compared the averages of the sixteen manufacturing towns, that is to say, including London in the list with those of the fifteen agricultural towns. He had taken eighteen periods, having three periods in the months of April, August, and December, for each of six years. In the years 1833, 1834, and 1835, the averages were low; in the three years 1839, 1840, and 1841, the averages were high. During the last three years, the prices in the sixteen commercial towns were higher than in the fifteen agricultural ones, though this was not universally the case. For ten of the eighteen periods the averages were higher in the sixteen commercial towns; in seven periods they were higher in the agricultural; in one they were equal, therefore the notion of the hon. Member, as to the effect of including London, and as to a great permanent difference in price between these two classes of considerable markets, was visionary. He could assure the House, that the selection of the towns had been made without the slightest reference, direct or indirect, to the nature of the districts in which the towns were taken; and these had been taken, not with any intention on their parts of unduly influencing the returns; their only object had been, to range over the different districts, so that they might insure returns from the various markets spread over the country.

Mr. *Gladstone* repeated, that there had been no intention or idea on the part of the Government to make an unfair selection, and notwithstanding the confidence with which the hon. Gentleman (Mr. Hawes) made his assertion, he still maintained that the proportions upon the new list corresponded as closely as possible with the proportions upon the old list.

Mr. *Hawes* would reassert that a very great disproportion existed between the number of towns to be added to the schedule in counties in which fine wheat was grown and that of the towns in counties where inferior wheat was grown. The consequence would be that the averages would be lowered. He denied that he had selected particular towns or counties to answer his own argument. No man in the House was freer from such a charge than he (Mr. Hawes) was, and he thought it would have been better that the right hon. Gentleman the Vice-President of the Board of Trade had spared the sarcasm, which was so wholly undeserved.

Sir *E. Knatchbull* denied that there had been any unfair selection of either towns or counties. In the county which he had the honour to represent, and which was acknowledged to grow as fine wheat as any in the country, there were formerly four towns to return the averages, and now other four were added, which showed no unfairness. The same principle had been observed throughout, and although there might be a disproportion in some counties, still throughout the country a fair balance was struck.

Mr. *Villiers* said, that assuming every thing that was said for the Government with respect to the object and effect of selecting these towns was correct, there was yet a question that remained unanswered, namely, why they were added at all. For, according to the right hon. Baronet when he brought in his bill, he considered there was little reason for suspecting fraud in taking of averages, and according to the right hon. Gentleman (Mr. Gladstone) who had just sat down, their addition would be inoperative; so that, on the one hand, we hear that there is no fraud to be prevented, and on the other, no effect to be produced. Then, he said again, why are they to be added? They were not indifferent in the opinion of many. His hon. Friend who had brought this question forward stated what was generally known, that there was a belief among people of all kinds, especially amongst those persons in the trade most competent to judge, that they would have the effect of lowering the average, and thereby raise the duty; then it was clear that with the opinions of the Government, there was a doubt on the matter, and a fresh uncertainty then connected with he trade in corn. Now one of the evils of the old law was the uncertainty that necessarily attended every transaction in the trade; why, then, add a fresh circumstance of this kind to aggravate the evils of the past? There was little in the new law to correct what was bad in the other. This was then an aggravation of the old one. It is not intended to meet the complaints of the people, it is not intended to increase the quantity of food, to lower the price of food, or to hold out to the foreign grower the hope of a better market. The old law is not admitted even as a cause of the present distress; he should have thought, then, that the policy that seems to have recommended the change might have preserved us from this addition to it. The purpose of this change seems to have been to remove all the odium that was unnecessary for effecting the original object of the Corn-law, which is, by raising the price of food, to secure to the landlord rent upon a class of soil which might otherwise not yield it, and which thereby influences the rent on all other land. It has been found that something more in the way of duty was imposed to effect this, and this has been reduced; but every man who votes for the bill on the other side has been assured and believes that not one tittle of the protection which the old law gave him will be withdrawn by the present, and he believed that they were quite right in so thinking. Why, then, attempt to do more; or if they are not attempting to do more by adding these agricultural towns, why add them at all, for it is clear that, with the doubts that exist already on the subject, no merchant would engage largely in the trade. No grower on the continent would invest fresh capital with a view to this market till there has been some experience of the effect of this new feature in the law, possibly having very important effects. At least, then, if the Government will not give them up, there can be no reasonable objection to the Member for Malton's plan, which proposes that for the first year the averages shall be struck separately on the two sets of towns, so that people may see their effect. But the right hon. Baronet and the Vice-President of the Board of Trade have said why they objected to that, and their objection is worth attention. The right hon. Baronet said that it would revive discussion on the bill next year, and the Vice-President said, that when they were making a great legislative settlement of a measure, it was better to complete it at once, so as to preclude future agitation. Now, really to suppose that this new bill was a final settlement of the matter, argued a degree of simplicity which, coming from those quarters, he did not expect. He did not expect it, after all that they heard said of the operation of the change in this House, and all that was known or was felt about the Corn-law out of this House, and after the new lights respecting free-trade that seem to have shone lately on the opposite side. Did the Vice President of the Board of Trade really believe that the people of this country were so imbecile, so slavish, so lost to every thing which they knew to be their due, as to accept this measure as a great legislative settlement of that claim which they put forth to have their trade in food free. Why, what did this bill really amount to, as regards the people, but an acknowledgement that they were right before in condemning the old bill, and that those who maintained that law were in error. And who can say before another year is out, that they may not be able to convince the Government that the new law is as bad as the old one. What, in fact, had they been hearing for the last month, but that after all, those principles of free-trade which had been so long condemned, are sound and ought to be acted upon? When the people have by agitation, got their principles thus acknowledged, shall they shrink from agitating further to get them applied? He then could conceive nothing less likely than that this law should be a final settlement. Certainly it would not be rendered so by the addition of these towns, or withholding what his hon. Friend asked in letting the public see what effect they would have. The only presumption which the refusal of this motion would have, was to induce a belief that the Government have some fear of the effect being known, and to excite still more dislike and distrust of the measure. He should certainly vote either for the plan of withdrawing those towns altogether, or to allow the public to know what the effect would be.

Mr. *Hardy* justified the proposed addition to the number of towns upon the ground that it would afford a protection against fraud in the returns upon which the averages were founded.

Mr. *Labouchere* said, seeing that the House had already recognised the propriety of maintaining a sliding-scale, which necessarily implied that a system of averages must exist, he fully concurred with the hon. Gentleman that fraud ought to be prevented by every possible means. He for one had not heard that principle denied; certainly by no one on his side of the House; and he did not think that the right hon. Gentleman the Vice-President of the Board of Trade had dealt fairly with his hon. Friend the Member for Lambeth, who most certainly had not said one word in favour of any fraudulent system. What they had stated was, that they apprehended from the threefold operation of the plan proposed, the diminution of frauds which to a certain extent no doubt, would succeed, to the addition to the number of towns from which the averages were to be taken; and lastly, that to which no one had yet adverted—the placing the returns of the averages in the hands of the Excise, who would most undoubtedly do their duty in a much better manner than the corn inspectors—what they stated was, without imputing to hon. Gentlemen opposite that which they disclaimed, they feared that the practical effect would be seriously to affect the advertised averages. Of course, all that was said on that point now must be merely conjectural, but he would rather take the opinion of twelve or fourteen merchants whose lives had been devoted to the corn trade, to that of any twelve gentlemen in that House, who, of course, were unaccustomed to the working of the averages between town and country. On a former occasion he had stated that the addition of so many county towns would reduce the price of corn *5s.* per quarter. He then, of course, spoke from the information he had received. He felt bound to say that upon further consultation with the parties, and upon further consideration he had then considerably overstated it. He did not now believe it would affect the averages to that extent. After full consideration and consultation with parties well acquainted with the trade, he could not say that the advertised averages would not be considerably affected by the plan. Indeed, no Gentleman in the House on either side, with the exception of the Ministers had denied the proposition. Some went the length of 3*s*., some of 2*s*.; but until that night none but her Majesty's Ministers had denied, that the addition of more towns would affect the averages, but now they were at last backed up by the hon. Member for Sussex (Mr. Darby). Still his conviction was, that they would be affected to a considerable extent, though not to the extent of 5*s*. If his hon. Friend the Member for Malton (Mr. Childers) divided the House on his motion, he would give his vote in its favour. He hoped, however, that whatever might be the decision of the House with regard to that motion, the right hon. Baronet (Sir R. Peel) would take measures for directing that a separate account should be kept of the averages taken into the old towns and in the towns which the right hon. Baronet proposed to add to the list. There could be no difficulty in accomplishing this, and it would afford some means of judging of the operation of the scheme of the right hon. Baronet.

Lord *Worsley* did not think, that the addition of the proposed towns would entirely prevent fraud. He thought, however, that it would make fraud more difficult to be committed. He was not of opinion that the result of the averages in the towns proposed would lower the averages to the extent of 2*s*. He believed the farmers did not consider the new scale of duty a sufficient protection, and that they were ready to seize on anything which they thought would give them an additional protection. The additional towns might lower the averages, but certainly not to the extent mentioned by several hon. Members. He believed that the farmers generally approved of those towns being added, in the hope that they would thereby obtain lower averages, but whatever opinion he held as to the protection not being sufficient, he would never endeavour, by any side wind, to effect a change in the system. It was not fair to institute a comparison between towns like Guildford and Liverpool; because the wheat sold in the former was of the finest quality, such as is used by the London pastrycooks, whereas at Liverpool the lowest sort of Irish wheat was brought to the market. The averages might have been materially lowered, had the right hon. Baronet selected towns having the lowest markets; but as this had not been exclusively done, he could not believe that the averages would be lowered to any considerable extent. He wished the right hon. Baronet had included the town of Driffield in the list. It was not mentioned, yet in that town 50,000 quarters of wheat, and 27,000 sacks of flour, were sold in the course of the year. In regard to the frauds, he believed they were not confined to London. During one week, last year, there was a difference in price between the markets of Hull and Beverley of no less than 9*s*., the object of the Hull dealers being to raise the price, while those of Beverley had no such object. The hon. Member for Wolverhampton had stated that the object of the present bill was to keep up rents. He could only say, that he did not think it a sufficient protection, and although he had not been successful in getting a greater protection, he would still prefer the old bill; but not for the purpose of keeping up rents, but because he did not think the present measure would give sufficient protection to encourage the growth of wheat in this country, and because he thought the consumer ought to be supplied with wheat grown in this country, and believing that they ought not to encourage the introduction of foreign corn, to the detriment of those who could supply the consumer with home-grown wheat at a price not considered as extravagant. He should vote in favour of these towns being retained in the list, but would so far qualify his vote by saying, that he did not do so in the belief that they would reduce the averages, nor would he say, that they would completely prevent fraud, although he admitted, that fraud would be a matter of a greater difficulty than under the old system.

Mr. *E. Howard* disapproved of the measure that the right hon. Baronet had brought forward. His own plan for curing existing evils would not be by making the public eat bad bread, but by adopting the same system with corn that was to be pursued in respect of other articles. In the importation of foreign cattle, and in the other articles included in the tariff, the right hon. Baronet laid down the principle of a fixed and regular trade, and the country would strongly disapprove of a partial and one-sided law, giving an exclusive kind of protection to the landed interest.

Mr. *Childers* did not intend to divide the House on that occasion; but he should certainly divide upon the subject when the 29th clause came under the consideration of the House.

Mr. *Aglionby* said, his wish was neither to raise nor to lower the averages, but to produce honesty. It was now stated by hon. Gentlemen that frauds with respect to the averages had been practised to a comparatively small extent. For years past, however, it had been asserted by the advocates for the repeal of the Corn-laws that frauds were committed to an immense extent; and in addressing meetings of farmers, he had always referred to that circumstance, and had stated, that a fixed duty alone would prevent those frauds. Now, however, he was informed, that he was in error in supposing that frauds had been committed to any considerable extent; and, if there was no good ground for an alteration in the present law, he thought such an alteration should not be made. He was not prepared to admit that sufficient reason had been shown by her Majesty's Government for the proposed change in the Corn-law. If it was admitted that frauds were prevalent, and that they could be obviated by the measure of the right hon. Baronet (Sir R. Peel), he would support it; but he understood it to be denied that frauds were committed, or at least it was contended that they were practised to a very trifling extent. He was convinced that a sliding scale would never satisfy the public; the only way to get rid of their difficulties would be to adopt a fixed duty. He might mention, with reference to some observations which had been made during the debate, that in Carlisle corn sold in the public market, and in the same street, varied in price from 3*s.* 4*d.* to 10*s.* He wished to ask the right hon. Baronet (Sir R. Peel) whether any new expenses would be incurred by the addition to the number of towns from which the averages were taken? He wished to know whether the Excise-officers would not, in some form or another, have an addition to their salaries for the duties imposed upon them by this bill?

Sir *R. Peel*: I am quite sure that if, in procuring a correct account of the averages, any reasonable expenses are incurred, the House will be willing to provide for those expenses. Therefore I do not urge it as a strong argument in favour of the proposed change, that there will be any saving of the public money produced by the change. There will, however, be such a saving, more particularly when certain existing interests expire. The expense of collecting the averages is at present about 7,000*l.* a year. Now, I think that if Excise-officers can assist in performing the duty, the public, by whom they are employed, have a fair claim upon their time. I do not think, therefore, that these new duties will lead to any additional expenses in the way of compensation. But, however this compensation may be awarded, the expenses of collecting the averages will, on the whole, be less under the new system than under the old. I must say, after the statement made by the hon. Gentleman about the price of wheat in the Carlisle market, my opinion of the judgment of Carlisle purchasers will not be higher than it has previously been. Of course, were the qualities of the two bushels of wheat different, the hon. Gentleman would have stated it. We are, therefore, informed, that, while one bushel of a given article was sold for 3*s.* 4*d.*, another bushel, within a few yards of it, brought 10*s.* [Mr. *Aglionby*: That was the case.] Well, then, it appears that purchasers in Carlisle market, having the sacks open, paid 10*s.* a bushel for wheat, while within ten yards they could buy an article, the quality of which was equal, for 3*s.* 4*d.*

Mr. *Aglionby* begged to explain that there was a difference in quality. What he wished to show was, that in the same district the quality of corn was so totally different that one bushel brought only 3*s.* 4*d.*, while another fetched 10*s.*

Sir *R. Peel*: Oh, we on this side of the House understood the hon. Gentleman to mean that the qualities were the same, and that in the same market the price of corn was subject to that great variation, and we did, of course, think it most extraordinary that so great a difference of price should prevail between articles equal in quality. With respect to fraud on the averages, I think, that under certain circumstances it has been practised to some extent, more extensively, probably, during the last three or four years than previously, and, if there be any great and sudden variation in the duty, these frauds or combinations with a view to influence prices would increase. I use the term fraud as it has been before applied to these transactions, though I cannot myself give them exactly that designation. They are, in fact, speculations entered into, with a view to gaining a profit. The extent of these frauds I likewise think has been exaggerated. Its existence I do not deny, but it has not been committed to the extent mentioned by the hon. Gentleman opposite in addressing his constituents. My opinion is that, as was very justly remarked by the noble Lord (Worsley), the addition of 140 new towns from which returns of the averages are to be made will not operate as a complete prevention of fraud; but the addition of these towns will have a further tendency to prevent frauds of another kind—not that of diminishing the duty by raising the price, but the fraud of raising the duty and diminishing the price, which has been practised when large quantities of corn have been sold, and parted with for the advantage of high duties. I do not think it is correct to state that the price of corn always varies in proportion to the difference in quality; but the quality is doubtless a material element in determining the price. I should, I believe, be able to show that in counties which are not great corn producers, prices are higher than in those where the best wheat is grown. In Staffordshire, for instance, an inland, manufacturing county, far removed from the influence of operations in foreign corn, the price is higher than in the best wheat-growing counties. I should not be surprised to learn, that in Essex or Northamptonshire the price of corn was higher than in Kent, a maritime county, with the advantage of a fine soil. Much reliance has been placed on the fact, that the wheat in the Liverpool market is of an inferior description, but let it not be forgotten that the greater the influence of those towns, the general trade of which is in the inferior description of wheat, the more diminished will be the influence of those whose trade lies in inferior wheat, from Ireland, Scotland, or elsewhere. An hon. Gentleman has produced two samples, one of Scotch and the other of English wheat. Now, if this (pointing to a parcel before him) be a fair specimen of Scotch wheat—and some indignation would, perhaps, be expressed at its being called so—I would again remind you that the more you increase the influence of the good wheat upon the average, the more you diminish that of the inferior, and the more you increase the influence of the inferior, the more you diminish that of the superior. And I must say, the introduction of the new towns will have a tendency to increase the influence of the superior article. In order fully to carry out perfectly the principle of the hon. Gentlemen opposite, he ought to require that, in half the towns, the old inspectors should be retained for a year, in order to ascertain fairly what would be the effect of the increased vigilance of the Excise-officers. I do hope that on the whole the House will concur with Government in endeavouring to make the machinery as perfect as they can, and sanction the addition of the new towns to the places from which the averages are to be collected.

Mr. *P. M. Stewart* said, if the House legislated till doomsday, it would be unable to remedy the evils inseparable from the present system of Corn-laws. In Scotland, where the averages were attested on oath before the sheriffs, universal complaints were made of the frauds practised. He thought, however, the proposed addition to the number of towns from which the averages were taken would tend in some measure to correct the evils of the present system. Assuming that the 289 towns, the number with the addition made to the 150 towns for taking the averages, were fairly chosen, this would greatly tend to lessen the power of the corn dealers to combine to alter the averages. The more they multiplied the markets from which returns were made, the more they scattered the power, and increased the difficulties of those who tampered with the returns. He was, therefore, surprised at the arguments which had been adduced in favour of the restricted number of markets. He wished to know why the right hon. Baronet had not crossed the border and taken some of the celebrated corn markets of the south of Scotland into the list of towns for making returns for the averages. He begged to say, that the bad sample of wheat which had been exhibited was no sample of the wheat of his country. The Member for the county of Haddington would bear him out when he said that there was no market in the United Kingdom where so much fine grain was sold as at the markets of Haddington. No doubt there was some reason for it; and he, therefore, asked why, when the right hon. Baronet was in search of good markets to make returns, he had not taken in Haddington and the Mid-Lothian and West-Lothian markets of Scotland?

Sir *R. Peel* said, the hon. Member had said that much dissatisfaction prevailed in Scotland with the averages on account of their being bad and incorrect; and bad averages would not improve the new bill, and, therefore, he declined to have them.

Mr. *P. M. Stewart* said, the right hon. Baronet had had his joke, and now he asked seriously, was there any reason why these markets should not be included to make returns?

Sir *R. Peel* said, the bill had confined the averages to the towns in England. If the returns were extended to Scotland, the averages might be framed from the price of a considerable quantity of very bad corn; this had induced him to confine the returns to English markets.

Mr. *P. M. Stewart* said, Scotland was liable to the law, and he did not see why it should not contribute to the test.

Dr. *Bowring* confessed, he felt some surprise at the many observations which had been made with respect to those averages. He was surprised to hear the advocates of a free-trade principle receive this new system of averages. The effect of this new system would be to increase the amount of the duty, and he thought the hon. Gentleman who had spoken last was not aware that it must materially affect those interests he had so well advocated. Now these averages produced an effect, or they produced none. It was quite clear they interfered with a great number of arrangements which depended on the old system, and a great many contracts had been entered into, grounded on the old system. The right hon. Baronet proposed to disturb them, and he (Dr. Bowring) believed it would produce disadvantages to the interests he was anxious to protect. The effect of the addition of 150 new towns, would not be to decrease the general average. The nearer they went to places of production, the lower the price would be; and the lowering the prices caused the duty to be raised. The effect of the new system must be to lower prices, and consequently to increase the duty; and to the extent it was raised, to that extent would sacrifices be made by those who were already oppressed by these restrictive and prohibitory duties. Now, the right hon. Baronet was not satisfied with the present averages, because the average now taken had a tendency to diminish the amount of duty; and he, therefore, proposed a more stringent system of averages. The public had some sort of benefit in the collusion or fraud, as it was called, in raising the prices of corn, in order that the amount of duty should be lowered, for by that very collusion the price was lowered to the consumer. It, therefore, did appear to him that the new system must be pernicious to the consumer. He, therefore, could wish to see the proposal of the right hon. Baronet worked under the system of the old machinery.

Amendment withdrawn.

Question again put, that "clause 9 stand part of the bill,"

Mr. *Wakley* said, that one of the samples of wheat which he had produced for the inspection of the right hon. Baronet was taken from a parcel of wheat which was sold in Mark-lane on the 3rd of March last for 36*s.* a quarter, and upon the same day the best wheat in the market was sold at 80*s.* a quarter. Inasmuch as the inferior sample was not fit to be used as human food, he thought it ought not in the slightest degree to be allowed to affect the general averages. It was easy to see how the introduction of such corn must have a most pernicious effect upon the health of the community. This House should discourage the sale of such wheat for human food, whereas under the system proposed, the greatest inducement possible would be held out to have such wheat thrown into the market for such a purpose. What he would wish to propose was a proviso to this effect:

> "Provided always, that no wheat declared to be bad and utterly unfit for human food shall be introduced into the market: the quality of the wheat to be reported on by the Excise officers to be appointed under this act."

He admitted the great difficulty that would frequently arise to give effect to this proposition. He admitted, that it would require a considerable judgment to decide whether such wheat would be fit or not for human food, and he, therefore, was afraid that such a proviso would not meet the object they had in view. He therefore brought the subject forward with the view merely of calling the attention of the right hon. Baronet to a most important subject for his consideration. If any hon. Members could suggest any proper remedy for this evil he should be glad to hear their opinions upon the subject. In some districts, during wet seasons, the wheat that was brought to market was generally most unfit for human food, but at the same time affected the averages to a considerable extent. It would be perfectly useless to submit his proposition in the form of a motion; but if the right hon. Baronet could see any way in which their object could be carried out, he hoped he would act accordingly.

Sir *R. Peel:* I hope the hon. Gentleman is not about to desert his own offspring so soon, and throw it on the compassion of the parish. At all events, I do not wish to be burdened with it, and I must decline the responsibility he would impose on me. But, seriously, Sir, I do not see how the proposition of the hon. Gentleman can be carried into effect. It would be very injudicious to leave it to the Excise officer's judgment to determine whether or no a sample of wheat were fit for food.

Mr. *Gibson* said, the debate showed how badly the sliding-scale operated, for when the greatest quantity of bad corn was in the market there was the greatest necessity for good corn to mix with it, which could not then be had owing to the high duty.

Mr. *Brotherton* said, another element which would affect the averages, and which had not been taken into consideration, was the currency. With a metallic currency the prices would be low, with an increase of paper currency the prices would be high. From the arguments he had heard he was convinced, that nothing could be so injurious to the public as persevering in this system of taking averages.

Lord *Worsley* said, there was another great difficulty in taking the averages. In Lincolnshire, the corn merchants there insisted on all the wheat being made up to weigh eighteen stone. The consequence of this was to raise the averages.

Mr. *Hawes* said, that what had fallen from the hon. Member for Finsbury was of great importance. The greater the number of places at which the averages were taken, the greater would be the opportunity of selling inferior wheat, and thereby lowering the averages. It was most monstrous that wheat, unfit for anything but cattle, should be allowed to have the effect of raising the price of bread. He hoped the hon. Member (Mr. Wakley) would hereafter frame a clause to meet this evil.

Mr. *Gladstone* saw no reason why, if such an amendment was to be proposed, it should not be discussed at once, instead of postponing it to the end of the bill. The hon. Member for Finsbury had admitted, that there would be great difficulty in effecting his object. He thought it was the practical difficulty of carrying any such scheme into execution that constituted the objection to it. The objection was, that increasing the number of towns for taking the averages would increase the quantity of bad wheat to be included in the returns. He differed from this opinion. The hon. Member for Lambeth assumed, that the new towns would be the centre of production, and not of consumption, whereas it had been shown, that the list of new towns at which the averages were to be taken was composed in the same proportion of producing and consuming towns as existed now. He would suggest why, perhaps, bad wheat was much more likely to be sold in large towns than in agricultural towns — it was this, that damaged wheat was much used for manufacturing purposes, especially for making starch. He thought it most desirable, if returns could be obtained, that would separate a bad description of wheat from good, but it was perfectly impossible to do so. However, it was almost certain, that no great quantity of such wheat was likely to enter into the calculations.

Mr. *Aglionby* admitted it might be difficult to meet the evil apprehended, but he did not think it was impossible. Suppose, for instance, the best wheat should be sold at a given market on a given day for 10*s.* a bushel, might it not be arranged, that no wheat which should be sold at the same market on the same day at a price less, say for example, than one-third of 10*s.* should be included in the inspector's return; the inference being, that any wheat sold for less than that proportion would not be fit for human food?

Mr. *M. Philips*, in allusion to what had fallen from Mr. Gladstone respecting the use of damaged wheat for manufacturing purposes, assured the right hon. Gentleman, that the manufacturers required the very best wheaten flour; so much so, indeed, that they generally sought to obtain the article from the

United States; and he really thought the manufacturers had a strong claim on the Government to be allowed a drawback on the article used by them.

Mr. *Wakley* said, the best remedy for the evil he had complained of would certainly be to admit corn free; but that would hardly accord with the spirit of the bill they were considering. He thought there was sound sense in the suggestion of the hon. Member for Cockermouth (Mr. Aglionby), and he would endeavour, with that hon. Gentleman's assistance, to frame a clause to prevent corn unfit for food to go into the averages.

Clause 9 agreed to.

On clause 14, which enacts, that the Lord Mayor and Aldermen of the city of London should appoint the inspector of corn returns for the city of London.

Mr. *Gladstone* proposed, that after the word "London," the words "and the city of Oxford and town of Cambridge" should be inserted.

Mr. *C. Buller:* Why is this?

Mr. *Gladstone* said, that much of the property in Oxford and Cambridge was estimated in value by the corn returns, and it was amongst the rights and privileges of these two places to make the appointment of corn inspectors; if these words were not inserted, those rights would be infringed.

Amendment made, and clause agreed to.

On clause 18, which enacts, that the present inspector of returns in the city of London should continue in office, and the appointments of other inspectors of returns should cease on the 24th of June next, after the passing of this act,

Mr. *Aglionby* objected to the principle of the clause when considered in conjunction with clauses 21 and 37, the former of which empowered the Treasury to grant warrants to continue the present inspectors in office, and the other empowered them to grant compensation on the determination of the offices and appointments respectively of any inspectors. The city of London was excepted from this provision, and the inspector was made removable for misconduct, or neglect of duty, by the Lord Mayor and Aldermen. He did not see why a similar provision should not apply to other places, and he most decidedly objected to putting the power of removal in the hands of the Minister, coupled, as it was proposed to be, with the power of compensation.

Sir *R. Peel* thought, that it would be very inexpedient to act upon the suggestion of the hon. Member, and give to those officers a tenure of their office *quamdiu se bene gesserint*. They had no such tenure now; they were liable to be removed now on any misbehaviour, or any other good and sufficient cause to the justices appearing. It was proposed to give the Treasury the power of continuing the present inspectors in their offices if they were found to be competent, and of discharging those who without being chargeable with any misconduct, it might still be for the public interest to remove; and he thought, that was a reasonable power. He could not understand the force of the hon. Member's objection.

Mr. *Aglionby* would rather that the power remained with the justices; why should they deal differently with the inspectors for London and those for other places? He objected to compensation altogether; it was an unnecessary tax; it had the appearance of a job; and he should, at a future stage of the bill, propose an amendment to place the rest of the inspectors on the same footing with the London inspectors in this respect.

Sir *Robert Peel* denied, that this clause would impose any tax upon the people. On the contrary, he undertook to say that in every case of removal there would be a saving to the country; and he must say, that, considering how great the power of the Executive Government was, that extreme jealousy about the removal of a few inspectors was quite unnecessary. The corn inspectors were a highly respectable class of men, but still it was advisable to give to the Treasury a discretionary power of retaining or dispensing with their services.

Lord *Worsley* said, there prevailed an opinion in the country (whether well-founded he could not say) that some of the inspectors connived at frauds. He thought the best way would be to remove all the existing inspectors, making them compensation, and let the duties be performed by the Excise-office.

Sir *Robert Peel* observed that Mr. Aglionby wished all the existing inspectors to be retained, while the noble Lord wished them all to be removed; he proposed a middle course, and that it should be left to the Government to remove them or not, according as the Treasury should judge proper. It would be hardly fair to say of the inspectors as a body, that, because some were suspected of conniving at frauds, all should be dismissed. He believed that they were a very respectable class of men, and he was not, therefore, prepared to act upon the opinion of the noble Lord.

Colonel *Sibthorp* said, that he was surprised the noble Lord should express such an opinion. He was sure the noble Lord would not have said as much at the meeting of his constituents which he attended yesterday.

Lord *Worsley* said, his hon. and gallant Friend the Member for the city of Lincoln had alluded to the county meeting held yesterday at Lincoln, which the gallant Member did not attend. He had presented a petition, agreed to at that meeting, against the Corn Importation Bill and the tariff; and, as the forms of the House precluded him from stating, on the presentation of the petition, what passed at the meeting, he begged to inform his hon. and gallant Friend that after the petition had been signed by the sheriff on behalf of the meeting, a similar petition was proposed to the Lords, upon which an amendment was proposed, to add a prayer against the Income-tax. The sheriff refused to put the amendment to the vote; the original petition was rejected. On the sheriff still refusing to put the amendment, notice was given that on the sheriff's leaving the chair, some one else would be called to it. A vote of thanks was proposed to the sheriff, but before it was seconded it was announced that an amendment to that motion would be put, and the sheriff left the chair without the motion for a vote of thanks being seconded. A noble Lord who was present was called to the chair, and the original petition and a petition against the Income-tax were carried.

Mr. *Aglionby* said, since the clauses which provided for the removal of the inspectors after June, and gave the Treasury power to appoint new inspectors, and to grant compensation to those removed, were made for some purpose of action, he wished to ask what the real object of the Government was in making these provisions?

Sir *R. Peel* replied, that as the inspectors held their offices under the existing law, the moment that was repealed their offices ceased. It was not intended to displace, but to retain them, and he should retain them in all cases where they had discharged their duties properly, and no other valid objection could be raised.

Clause, as amended, agreed to.

Clauses to the 26th were agreed to.

Mr. *Thornely* called the attention of the committee very briefly to the advantage given by the bill to neighbouring ports, while the importation of corn from distant ports, such as Odessa and New Orleans, would in effect be prohibited.

On Clause 27,—

"That the average prices of all British corn, by which the rate and amount of the said duties shall be regulated, shall be made up and computed on Thursday in each and every week in manner following: (that is to say) the said comptroller of corn returns shall on such Thursday in each week, from such returns as shall be received by him during the week next preceding, ending on and including the Saturday in such preceding week, add together the total quantities of each sort of British corn respectively appearing by such returns to have been sold, and the total prices for which the same shall thereby appear to have been sold, and shall divide the amount of such total prices respectively by the amount of such total quantities of each sort of British corn respectively, and the sum produced thereby shall be added to the sums in like manner produced in the five weeks immediately preceding the same, and the amount of such sums so added shall be divided by   , and the sum thereby given shall be deemed and taken to be the aggregate average price of each such sort of British corn respectively, for the purpose of regulating and ascertaining the rate and amount of the said duties):—Question proposed, "That the blank be filled with 'six.'"

Lord *Worsley* said, that he was anxious that the averages should be taken at a longer period than was proposed by the bill as it stood. At present the period was five weeks; he wished to make it ten, and he apprehended that the change would be beneficial both to the consumer and the seller, and it would certainly enable the consumer to obtain wheat from a greater distance. Twelve weeks had been mentioned to him as a proper period, but he thought that would be too long, and five much too short; ten weeks seemed to him the proper limit. He suggested, therefore, that the word "ten" be inserted instead of six.

Colonel *Sibthorp* opposed the amendment, because ten weeks would give a greater opportunity for importation. The noble Lord, one of the Members for North Lincolnshire, called himself one of the farmers' friends, yet he supported the late Government.

Lord *Worsley* said, that he was sure the hon. and gallant Member must recollect, at the county meeting last year at which he was present, a gentleman asking Lord Worsley to withdraw his confidence from the late Government, which he refused to do. Yesterday he in his speech at the meeting, asked the same gentleman, who, as the gallant Member knew, was a staunch Conservative, whether he did not now think that he was right for refusing to place confidence in the right hon. Baronet opposite; on which the gentleman answered before the whole meeting:—

> "My Lord, all I can say is, that if I had been one of the Conservative Members in the House of Commons, I would have voted against all these measures of Sir Robert Peel."

Mr. *R. Palmer* would prefer twelve weeks, but in the event of a division, he should vote for the motion of the noble Lord.

Mr. *Gladstone* thought, there was no objection on his side of the House to the principle of the noble Lord's amendment, which, no doubt, had for its object to choose that period of time, which upon the whole, would be most convenient; but that period he conceived would be six weeks. Ten weeks would be at variance with the principle of the bill, as it would expose the farmer, when the price of corn was falling, to a longer period of foreign competition.

Mr. *P. M. Stewart* opposed the amendment. He had contemplated making a proposal diametrically opposite to that of the noble Lord. From all experience of the working of the Corn-laws, ever since they were passed, it appeared, that to secure the greatest accuracy in the averages, the period was limited. When they were an exporting country, the averages regulating the exportation were, at first, limited to the weekly returns, and finally to the market price on the day before the exportation. From the time the country became apprehensive of needing a supply the present system of averages was introduced. He considered a limited period ensured greater accuracy. He was glad that the noble Lord had no chance of carrying his amendment. In his opinion, the shorter they made the period for ascertaining the averages, the more would they be likely to succeed in carrying out the new law with advantage to the community at large.

Mr. *Christopher* would support the noble Lord's proposition, because he felt convinced it would tend to diminish fraud by increasing the difficulty of raising the averages. He felt also, that ten weeks would shew a much greater steadiness of price than six weeks. He was sorry to say, that the bill in its present shape would not have the effect of preventing a few speculators in the market towns of great consuming districts from combining to raise the price, but in such a way as not to confer any advantage upon the farmer. He, therefore, supported the amendment, which he believed would also benefit the consumer, by enabling mercantile men to extend their trade to America.

Viscount *Ebrington* regretted the noble Lord's proposal was not for ten years instead of ten weeks, as they should then have the measure excluded altogether. He was favourable to the amendment, because he thought that if they shortened the duration of the averages they would only throw away so much revenue without benefitting the consumer.

Colonel *T. Wood* believed it to be a mistaken idea that frauds were carried on to anything like the extent generally supposed. He considered the amendment calculated to act most perniciously on the interests both of the consumer and the farmer. Its result would be nothing more than to prevent an importation corresponding to the wants of the country at the time when such importation could take place with the greatest benefit. It was materially for the interest of the consumer that the corn should come in steadily, and he believed this amendment calculated to produce anything but so desirable a result. He should certainly offer it every opposition.

Mr. *E. Buller* was inclined to vote in favour of the more extended period, on the ground that it would decrease the opportunity of forcing up the prices to their maximum point.

Mr. *G. Palmer* said, that whatever opinions Gentlemen entertained as to the amount of protection which ought to be given to corn, there was no Gentleman who was not anxious to prevent the frauds in the averages. The hon. Gentleman seemed to think those frauds of little importance, but they were in reality of grea importance. During the last six weeks o the last summer the averages were raised 6s. more than they ought to have been. The British agriculturists, who gained nothing by those nominal high prices, had the discredit of causing them, and it was on account of those high prices that the outcry was made by the manufacturers. He should like to know who received those prices. Certainly not the farmer. By the returns which the Government had laid before the House it appeared that 70,000 quarters per week was the average sale; whereas, during those six weeks, when there was in fact less corn used than in any other six weeks of the year, on account of the people using new potatoes and other vegetables, the pretended average sale was 125,000 quarters a week. Every Gentleman would join in opposing those frauds. If the period were extended, there would not be the like inducement as at present to deal with the averages, and force them up to the highest point without passing a grain of corn.

Sir *R. Peel* said, that various propositions on this point had been submitted to the Government. Some desired to extend the period to eight weeks, some to ten, others to twelve, whilst certain persons would even prolong it to fifteen. After carefully considering these suggestions, the impression on his mind certainly was, that the proposed extension of time would not operate as a check on fraud; but that, on the contrary, the speculator would derive an advantage from the ability to pour in corn for a more extended period. He had also formed the opinion, that the alteration would operate injuriously to the consumer by keeping up the duty at a time when the necessities of the country required an importation of corn; and further, he thought, that it would act injuriously to the producers, by subjecting them to a competition at lower rates for a more considerable period than at present. On the whole, therefore, he could not but think that it would be safer to adhere to the six weeks as proposed in the bill now before them. He could mention instances where the extended period would have a very injurious operation, but as this was a question of detail, on which it was for the committee to decide, he would content himself with the statement he had made of his reason for adhering to the system now existing.

Mr. *Hawes* preferred the bill as it stood to the amendment of the noble Lord the Member for Lincolnshire. If the proposal had been to prolong the period to six months instead of ten weeks, or if, on the other hand, it had been proposed to shorten the time, he could have conceived that the amendment might have been attended with benefit, but in the present case he must freely confess that he could not understand the principle upon which the present proposition was submitted.

The committee divided on the question that the blank be filled up with the word six: Ayes 242; Noes 37; Majority 205.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Adderley, C. B.
Aglionby, H. A.
Antrobus, E.
Arkwright, G.
Ashley, Lord
Astell, W.
Bailey, J. jun.
Balfour, J. M.
Baring, hon. W. B.
Baskerville, T. B. M.
Beckett, W.
Bell, J.
Bernard, Visct.
Blake, Sir V.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowring, Dr.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Buller, C.
Bunbury, T.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, A.
Cavendish, hon. G.H.
Chapman, B.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Chute, W. L. W.
Clayton, R. R.
Clements, Visct.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt.hn. Sir G.
Codrington, C. W.
Colebrooke, Sir T. E.
Cole, hon. A. H.
Collett, W. R.
Colvile, C. R.
Coote, Sir C. H.
Copeland, Mr. Ald.
Craig, W. G.
Crawford, W. S.
Crosse, T. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncan, Visct.
Duncan, G.
Du Pre, C. G.
East, J. B.
Ellis, W.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Ewart, W.
Farnham, E. B.
Fellowes, E.
Fielden, J.
Ferrand, W. B.
Filmer, Sir E.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Forbes, W.
Forester, hn. G. C. W.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Gore, hon. R.
Goring, C.
Graham, rt. hn. Sir J.
Greenall, P.
Gregory, W. H.
Grimston, Visct.
Hale, R. B.
Halford, H.

Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hastie, A.
Hawes, B.
Hayes, Sir E.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hill, Lord M.
Hillsborough, Earl of
Hodgson, R.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, A.
Humphery, Mr. Ald.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, A.
Johnstone, H.
Joliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.
Knatchbull, rt. h. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Lawson, A.
Leader, J. T.
Legh, G. C.
Leicester, Earl of
Lennox, Lord A.
Lincoln, Earl of
Lindsay, H. H.
Listowel, Earl of
Lockhart, W.
Long, W.
Lowther, J. H.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Maclean, D.
Mc Geachy, F. A.
Mahon, Visct.
Manners Lord C. S.
Manners, Lord J.
March, Earl of
Marshall, W.
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, P. W. S.
Morgan, O.
Morris, D.
Napier, Sir C.
Neville, R.
Newry, Visct.
Northland, Visct.
O'Brien, J.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord W.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Philips, M.
Pigot, right hon. D.
Pigot, Sir R.
Pinney, W.
Polhill, F.
Pollock, Sir F.
Ponsonby, hon. J. G.
Powell, Col.
Power, J.
Pringle, A.
Rashleigh, W.
Reade, W. M.
Rice, E. R.
Ricardo, J. L.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rous, hon. Capt.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Scott, R.
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, B.
Smith, rt. hon. R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, Lord
Stewart, P. M.
Stewart, J.
Stuart, W. V.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Towneley, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tufnell, H.
Turner, E.
Tyrell, Sir J. T.
Verner, Col.
Villiers, hon. C.
Villiers, F.
Vivian, hon. Capt.
Waddington, H. S.
Wakley, T.
Walker, R.
Wilbraham, hn. R. B.
Williams, W.
Wodehouse, E.
Wood, B.
Wood, Col.
Wood, Col. T.
Wood, G. W.
Wortley, hon. J. S.
Wrightson, W. B.
Wyndham, Col.
Wynn, rt. hn. C. W. W.
Wynn, Sir W. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aldam, W.
Allix, J. P.
Archbold, R.
Barclay, D.
Barrington, Visct.
Brodie, W. B.
Buller, E.
Burroughes, H. N.
Busfeild, W.
Childers, J. W.
Christopher, R. A.
Dundas, Admiral
Dundas, F.
Eaton, R. J.
Ebrington, Visct.
Grogan, E.
Hamilton, C. J. B.
Heneage, E.
Henley, J. W.
Howard, hn. C. W. G.
James, W.
Lygon, hon. General
McTaggart, Sir J.
Murray, A.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
Packe, C. W.
Palmer, G.
Pusey, P.
Tancred, H. W.
Tollemache, J.
Troubridge, Sir E. T.
Vere, Sir C. B.
Wallace, R.
Yorke, hon. E. T.

TELLERS.

Worsley, Lord
Palmer, R.

Clause to stand part of the bill.

Clause 28 agreed to.

On the 29th clause,

"That until a sufficient number of weekly returns shall have been received by the said comptroller of corn returns under this act, to afford such aggregate average prices of British corn as aforesaid, the weekly average prices of British corn published by him immediately before the passing of this act shall by him be used and referred to in making such calculations as aforesaid, in such and the same manner as if the same had been made up and taken under and in pursuance of this act."

Mr. *Childers* moved the following clause in substitution of it:—

"That from the passing of this bill, up to the 1st of May, 1843, the duty to be paid on the importation of foreign corn shall be regulated by the averages of those towns only which have hitherto made returns in accordance with the act of 9th George 4th."

The committee divided on the question that the original words stand part of the clause: Ayes 202; Noes 69; Majority 133.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Acton, Col.
Adare, Visct.
Adderley, C. B.
Allix, J. P.
Antrobus, E.
Archbold, R.
Arkwright, G.
Ashley, Lord
Astell, W.
Bailey, J., jun.
Baillie, Col.
Baring, hon. W. B.

Barrington, Visct.
Baskerville, T. B. M.
Becket, W.
Bentinck, Lord G.
Bernard, Visct.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bradshaw, J.
Broadley, H.
Brocklehurst, J.
Browne, hon. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruce, C. L. C.
Buckley, E.
Bunbury, T.
Burroughes, H. N.
Campbell, Sir H.
Campbell, A.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Cholmondeley, hn. H.
Christmas, W.
Christopher, R. A.
Chute, W. L. W.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Cole, hon. A. H.
Collett, W. R.
Colville, C. R.
Compton, H. C.
Copeland, Mr. Ald.
Crosse, T. B.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Dodd, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Fellowes, E.
Ferrand, W. B.
Fitzroy, Capt.
Fitzroy, hon. H.
Fleming, J. W.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greenall, P.
Gregory, W. H.
Grimstone, Visct.
Grogan, E.
Hale, R. B.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Heathcote, J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, R.
Holmes, hn. W. A'C.
Hope, hon. C.
Ingestrie, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Jones, Capt.
Kelburne, Visct.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knight, F. W.
Knightley, Sir C.
Legh, G. C.
Leicester, Earl of
Lennox, Lord A.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Long, W.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Maclean, D.
M'Geachy, F. A.
Mahon, Visct.
Mainwaring, T.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Miles, P. W. S.
Morgan, O.
Morris, D.
Murray, C. R. S.
Neville, R.
Newry, Visct.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
O'Brien, W. S.
Packe, C. W.
Paget, Lord W.
Palmer, R.
Palmer, G.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, Sir R.
Polhill, F.
Pollock, Sir F.
Powell, Col.
Pringle, A.
Pusey, P.
Rashleigh, W.
Reade, W. M.
Reid, Sir J. R.
Richards, R.
Rose, rt. hn. Sir G.
Round, C. G.
Rous, hon. Capt.
Ryder, hon. G. D.
Sanderson, R.
Sandon, Visct.
Sheppard, T.
Sibthorp, Col.
Somerset, Lord G.
Sotherton, T. H. S.
Stanley, Lord
Stewart, J.
Stuart, W. V.
Sturt, H. C.
Sutton, hn. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, hn. F. J.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Waddington, H. S.
Wakley, T.
Wilbraham, hn. R. B.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wood, Col. T.
Worsley, Lord
Wortley, hn. J. S.
Wynn, rt. hn. C. W. W.
Wynn, Sir W. W.
Yorke, hn. E. T.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Barclay, D.
Berkeley, hn. C.
Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Buller, C.
Buller, E.
Busfeild, W.
Cavendish, hn. C. C.
Cavendish, hon. G. H.
Christie, W. D.
Clements, Visct.
Craig, W. G.
Crawford, W. S.
Duncan, G.
Duncombe, T.
Dundas, Admiral
Dundas, F.
Ebrington, Visct.
Ellis, W.
Evans, W.
Ewart, W.
Ferguson, Col.
Forster, M.
Gill, T.
Gore, hon. R.
Hill, Lord M.
Howard, hn. C. W. G.
Humphery, Mr. Ald.
James, W.
Johnston, A.
Leader, J. T.
Listowel, Earl of
Macaulay, rt. hn. T. B.
Marshall, W.
Murray, A.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, J.
Pechell, Capt.
Philips, M.
Pigot, rt. hon. D.
Pinney, W.
Ponsonby, hn. C. F. A.
Ponsonby, hn. J. G.
Power, J.
Ricardo, J. L.
Scott, R.
Sheil, rt. hn. R. L.
Smith, B.
Smith, rt. hn. R. V.
Somerville, Sir W. M.
Strutt, E.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, hon. Capt.
Wallace, R.
Williams, W.
Wood, B.
Wood, G. W.
Wrighton, W. B.
Yorke, H. R.

TELLERS.

Childers, J. W.
Hawes, B.

Clause agreed to.

Other clauses of the bill were agreed to.

Mr. *Gladstone* introduced a clause, the purport of which we could not catch.

Lord *Worsley* moved the following clause, to succeed clause 22:—

"And be it enacted, that every person who shall sell any British corn at or within any city or town named in the said schedule hereunto annexed, other than the City of London, shall, before he or she shall sell any British corn at any such city or town, make and deliver in manner hereinafter mentioned, a declaration in the following words, that is to say:—

(Form of declaration.)

"I. A. B., do declare that the returns to be by me made conformably to the act passed in the year of the reign of her Majesty Queen Victoria, entitled [here set forth the title of this act], of the quantities and prices of British corn which henceforth shall by me, or for me, be sold, shall, to the best of my knowledge and belief, contain the whole quantity, and no more, of the British corn *boná fide* sold for, or by me, within the periods to which such returns respectively shall refer, with the prices of such corn, and the names of the buyers respectively, and, to the best of my judgment, the said returns shall in all respects be accountable to the provisions of the said act."

"Which declaration shall be in writing, and shall be subscribed with the hand of the person so making the same, and shall by him or her, or by his or her agent, be delivered to the mayor or chief magistrate, or to some justice of the peace for such city or town, or for the county, riding, or division in which the same is situate, who are hereby required to deliver a certificate thereof to the supervisor of excise acting as inspector of corn returns for such city or town as aforesaid, at the place appointed for receiving such returns, or to such continuing inspector of corn returns as aforesaid for such city or town (as the case may be), to be by such supervisor or inspector registered in a book to be by him provided and kept for that purpose."

The noble Lord said, he attached considerable importance to this proposition. The result would be, he thought, that it could easily be seen how far the price at which corn reached the consumer was the farmer's, or the intermediate dealers.

Sir *R. Peel* said, he had received, among many other suggestions on the subject, one to the effect of that made by the noble Lord; but he really doubted very much the wisdom of such a course, and he did not think the noble Lord himself was fully aware of the difficulties to be encountered. Nor did the clause of the noble Lord appear efficient for effecting his own object. At present, the buyers made returns of all the corn they purchased. But this clause only required returns of corn sold within the cities or boroughs. So that the returns under the noble Lord's clause would by no means be so satisfactory as those which would be made under the bill as it stood.

Clause withdrawn.

Colonel *Sibthorp* moved the following clause:—

"That all duties in future payable upon the importation of corn, meal, or flour, from any foreign country into the United Kingdom, shall, after the passing of the Act of Parliament relative to the importation of such articles, be levied or paid at the period of importation, instead of at the period when taken out of bond, as heretofore."

The effect of the proposed measure with respect to corn, had been already to reduce the price of corn in Lincolnshire to the extent of 25 per cent. This reduction in the price of corn had had the effect of reducing the wages of the labourer from 2*s*. 6*d*. to 2*s*. 3*d*. and 2*s*. With respect to the tariff, he considered that the removal of the prohibition to import cattle from foreign countries would be injurious to the agricultural interest in this country, and one of the effects of the change would be to introduce into consumption food of a poisonous quality.

Clause brought up.

On the question that the clause be read a second time.

Sir *R. Peel* said, that he must decline to enter into the general subject of the tariff on the present occasion. When that question should be before the House, he would have an opportunity of entering fully into the subject. He believed, that great advantage would be derived, both to the agricultural and manufacturing interest from removing the absolute prohibition that at present existed with respect to the importation of foreign meat and cattle. He would take a future opportunity of showing that the apprehensions that were entertained with respect to the injurious effects of the importation of foreign cattle were unfounded; and by pointing out those countries which were importing, in stead of exporting countries, he would be able to show that those parties who (as his hon. and gallant Friend had stated) had purchased those articles at a reduction of 25 per cent, had made a very fortunate bargain. His hon. Friend had urged, that by the importation of foreign cattle, the produce of this country would be brought into competition with an inferior article, and one of his hon. and gallant Friend's objections to the tariff was, that it would introduce poisonous meat into competition with sound meat. But that very reason ought to diminish his hon. and gallant Friend's alarm. Surely, that was an evil that would soon cure itself, for when the poisonous quality of the meat was discovered, and after three or four persons had been poisoned by eating it, he (Sir R. Peel) did not anticipate that it would be likely to come into very extensive consumption. Another argument urged by his hon. and gallant Friend was, that parties, after having kept corn three years in bond, then brought it into competition in the market with corn of a sound and wholesome quality. Now, considering the expense of warehousing and loss by waste for three years, he (Sir R. Peel) could not help thinking that the parties who did this, did not find it turn out a very profitable speculation. With respect to the motion of his hon. and gallant Friend, it appeared to him, that its adoption would be at variance with the principle of their commercial policy. If this proposition was adopted, what would there be to prevent parties bonding their corn at Rotterdam, or any other neighbouring port, and placing themselves in a condition to watch and take advantage of the course of our markets by bringing in their corn? He hoped, after what he had stated, that his hon. and gallant Friend would withdraw his motion. When the proper time arrived, he trusted, with respect to the tariff, that he would be able to satisfy all parties that the proposition of the Government was not an unreasonable one.

Lord *Worsley* could confirm the gallant Member as to the fall in wages, but it was more in consequence of the fall in corn than from any fear of the tariff.

Mr. *Wakley* said, statements relative to wages should at all times be avoided in that House, unless the parties making them were prepared to enter into the whole question. The hon. and gallant Member had stated that the Lincolnshire farmers had reduced the wages of the labourers; that was an evil example, very likely to be followed; but the statement ought to go forth, that in Lincolnshire the price of provisions had fallen 25 per cent. The hon. and gallant Member certainly said that the price of meat had fallen 25 per cent., and that ought to be known wherever the statement as to the reduction of wages went.

Motion negatived.

Mr. *Barclay* moved the omission of all the new towns from the schedule. After the division which had been had on the motion of the hon. Member for Malton, which was the same in principle only not so extensive, he would not give the House the trouble to go to another division. He would, however, take that opportunity of entering his protest against the language which had been used by the hon. Member for North Lincolnshire in relation to those engaged in the corn trade. He said it had been infamous and notorious. Such language was undeserved by those engaged in that trade, with whom he had no connection whatever, but he could not hear a respectable body of men so stigmatized without entering his protest against it. He wished to record his opinion on the subject of his motion; he would therefore press his amendment for the purpose of having it negatived.

Mr. *Christopher* rose to explain. It was notorious that more nefarious practices—more gambling—more speculation—existed upon the Corn Exchange than upon the stand at Epsom, or the course at Doncaster. He would refer to returns published on the motion of the hon. Member for Halifax, in proof of his statement. It was, of course, for the interests of fair purchasers of corn to buy the article at the lowest prices; but, by the returns alluded to, it appeared that on the Corn Exchange of Wakefield, in Yorkshire, the average weekly quantity of corn sold when prices were low, was 6,000 quarters; but when prices became high, the amount rose to 16,000 quarters. It was the same thing with respect to the Corn Exchanges both in London and Leeds. He would not at present enter into any inquiry as to how these circumstances existed—whether from defects in the law or other causes—it was sufficient for his purpose that they did exist; still he did not charge any individual member of the Corn Exchange with nefarious practices, but he did assert that such practices existed.

Dr. *Bowring* thought, that the statements of the hon. Member would not prove of much service to the sliding-scale. He thanked him for them. He had confessed that the sliding-scale opened the door for fraud and gambling of all kinds, and yet the hon. Gentleman wished to continue the system which gave room to those practices, in order to maintain the price of the people's bread at a higher rate than it would be purchased at did no Corn-law exist.

Amendment withdrawn.

On the motion of Mr. Gladstone, on the schedule with reference to the cities and towns to which the bill referred, the town of Evesham was inserted; Marlborough was struck out; Market Drayton and Chippenham were inserted, and Newbury was struck out.

The schedule, as amended, was agreed to. The House resumed. Report to be brought up on the next day.

House adjourned.

HOUSE OF COMMONS,

Wednesday, April 6, 1842.

Minutes.] **New Writ.** Montrose District of Burghs, *vice* Patrick Chalmers, Chiltern Hundreds.

Bills. *Public.*—1°. Timber Ships; Fisheries (Ireland).

2°. Indemnity.

Reported.—Corn Importation.

3°. and passed:—Forged Exchequer Bills.

Private.—2° Liebert's Naturalization.

3°. and passed:—West Stirlingshire Roads.

Petitions Presented. By Mr. Macaulay, from Edinburgh, in favour of National Education, and praying for the Establishment of Parochial Schools.—By Mr. Ferrand, from a Parish in Glamorganshire, complaining of the extent to which the Truck System was carried.—By Dr. Bowring, from Tillicoultry, London, Topsham, Regent's Park, St. Anne's, Limehouse, Crayford, and Stratford, for the Repeal of the Corn-laws.—By Sir H. Douglas, from the Cordwainers of Liverpool, Devonport, Tynemouth, and other places, against the proposed Alteration of the Import Duty of Boots and Shoes.—By Lord Eliot, from persons connected with the Pilchard Fisheries, that measures might be taken for procuring the remission of the onerous Duties payable on Pilchards Imported into Naples.—By Sir Robert Peel, from Roscommon, in favour of the Alteration in the Tariff as regards the Importation of Cattle.—By Dr. Bowring, from Dublin, that the House would interpose its authority with the East India Company for the production of certain Documents to the Agents of the Raja of Sattara.—By an hon. Member, from St. Ann's, Shandon, Cork, Youghall, Kilmeen, and other places, against the present System of National Education in Ireland.—By an hon. Member, from Brailsford, against any further Grant to Maynooth College.—From J. Alexander, and others, for Encouraging the Importation of Grain in preference to Flour.—From the East Essex Agricultural Society, against the Corn Importation Bill.

Cheltenham and Great Western Union Railway.] Lord Worsley brought up the Report of the Cheltenham and Great Western Union Railway Bill Amendment made by the Committee, read a first time. On the question that they be read a second time.

Mr. *Lawson* moved, that the bill be recommitted. The present bill had been introduced by the Cheltenham and Great Western Union Railway Company in direct breach of an agreement entered into by that Company with the Birmingham and Gloucester Railway Company. In 1836, these companies had each obtained an act of Parliament—the Birmingham and Gloucester Company for the construction of a railway from Birmingham to Gloucester, and the Cheltenham and Great Western Union Company, for the formation of a line from Cheltenham, to join the Great Western line near Swindon. The lines of these two railways ran parallel to each other from Cheltenham to Gloucester; and it was agreed between the two companies that only one line of railway should be constructed between Cheltenham and Gloucester, such line to be constructed for the joint use, and at the joint expense of the two companies, the Birmingham and Gloucester Company being the owners of the one half of the line lying next Gloucester and Cheltenham, and the Great Western Union Company being owners of the half nearest to Cheltenham. The time granted by the act to the Cheltenham and Great Western Union Company for the purchase of lands, was two years, and for the completion of the railway, seven years. They applied for an extension of these periods in the year 1838. This application was opposed by the Birmingham and Gloucester Company for the purpose of procuring the insertion of clauses, securing the completion of the line from Cheltenham to Gloucester, a matter of the utmost importance to the Birmingham Company, inasmuch as they had no power to form that portion of the line under their own bill. The committee on that bill intimated an opinion that the clauses required by the Birmingham and Gloucester Company ought to be inserted, and accordingly an agreement was entered into between the two companies, the second clause of which was to the following effect:—

"If the Cheltenham and Great Western Union Railway Company do not complete their line between Cheltenham and Gloucester by Midsummer-day, 1840, the Birmingham and Gloucester Railway Company may enter on the same, and do all such works as may be necessary to complete it, or to concur in completing it for their own benefit, so as to insure its opening at the earliest possible period; but the Cheltenham and Great Western Union Railway Company to be entitled to re-purchase all their rights under the existing acts, by payment of one-half of what may have been expended by the Birmingham and Gloucester Railway Company, in the completion of that portion of the line between Cheltenham and Gloucester, 'provided a continuous line of railway from the Great Western Railway to Gloucester shall have been completed within a period to be limited for that purpose by the bill now before Parliament.'"

The period fixed upon for the completion of the line was the 21st of June, 1845, and upon the faith of that agreement the Birmingham and Gloucester Company withdrew their opposition. In June, 1840, the Cheltenham and Great Western Union Company, not having completed the line, gave it over, under the provisions of this act, to the Birmingham and Gloucester Company, receiving from that company a large sum of money for the works they had already constructed on that line, and the line was completed by the Birmingham and Gloucester Company at a considerable additional expense. He held in his hand a copy of the agreement entered into between the two companies, in which it was distinctly stated, that the time for the completion of the railway should expire on the 21st June, 1845, so that they had three years yet unexpired, in which they could complete this railway. Now, by the present bill, which was, in fact, an amendment of an already amended act, they sought not only for a still further extension of the time for the completion of their line, and consequently for the redemption of that portion of it between Cheltenham and Gloucester from the Birmingham Company, in violation of their agreement, but they also sought to have the power of disposing of their line, or of any portions of it, to any other parties or companies they might see fit. Now, as it appeared that the line might be finished in two years, which was within the time limited by their present act, and at a cost under 200,000*l.*, and as they had not raised all the money they had the power to raise under their present act, he was of opinion, that the powers they now sought were totally unnecessary, and therefore he thought the bill ought to be re-committed. As the three selected Members serving on that committee were unanimous against the report, he thought, that the time taken up by the hon. Members employed on that committee had been entirely wasted; if this report were received, he should consider that they had been most unprofitably employed, and he, must say, that if the time of hon. Members on committee were thus to be wasted, he for one must decline, unless by order of the Speaker, again sitting on one. He trusted, that the House would support the motion which he had to make, for if they did not, he should not entertain that high opinion of the justness and fairness of the House which he at present held.

Lord *Worsley*, as Chairman of the Committee on this bill, must say, that he went into the committee-room without knowing anything of the local circumstances of the line of railway, but from hearing counsel on both sides of the question, he must say that he came to the conclusion which would have led him, had he been in a position to vote, to have voted in direct opposition to the hon. Member. When the bill was before the House, it was considered desirable that a certain portion of the line should be finished at the same time that the Birmingham and Gloucester Railway finished their line, so that the communication between Birmingham and Bristol might be complete; and he believed it was agreed that if the Cheltenham and Great Western Union Company did not complete that portion by the specified time, the Birmingham and Gloucester Company were to be at liberty to purchase their portion of the other line, and finish it. It appeared to him, under all these circumstances, that it was not preposterous to ask for an extension of time. He might state, that in the committee, there was a large majority in favour of the bill, and that he agreed with them in their opinion. He trusted, therefore, that the House would not consent to the motion of the hon. Member.

Mr. *Craven Berkeley* was a member of the committee, and as such he thought it right to support the motion of the hon. Member opposite. His reason for doing so was, that when they got through the bill, the Parliamentary agents brought in a great number of clauses which were read at the Table, so that it was impossible for Members to ascertain what they contained; that he considered was not a proper way to conduct private bills, and it was very unsatisfactory both to the Members who composed the committee and to the public. When he knew the composition of the committee who sat on the bill, he knew that the interests of his hon. Friends were so preponderating that the bill, no matter what was the evidence brought forward, would pass. One of the clauses to which he objected was that important one relating to money at 6 per cent. That was an imposition on the public, and one that ought not to be sanctioned by the House. The bill was a contest between two companies, and two engineers were examined —Mr. Brunel on the part of one company, and Mr. Wishaw on the part of the other —and when one gentleman stated that white was black, the other said that black was white. He should, therefore, support the motion of the hon. Member for Knaresborough.

Mr. *Scott* said, that it appeared to him that the company were not in a position to be able to raise the funds necessary for completing the line. It was complete in part, and they were not able to obtain the money necessary for finishing the remainder. The line was of great importance, as it was to convey goods between Birmingham and Bristol. It appeared to him most important to the public that the line of traffic should not be interfered with. The company were not able to raise more than 20,000*l.* of the 250,000*l.* which they sought to raise, and the shares had fallen to 2*l.* 10*s.* They had, however, declared a dividend of 1*l.* to the shareholders. And what object could they have in so acting, except to raise the shares in the market when the company were actually insolvent, and not able to carry on their works? It was his belief that the company were not able to complete the works. They had already had ample time to bring the works to a conclusion, if they had been enabled properly to conduct the undertaking. The powers of the company would terminate in 1845; and they now asked that those powers should be extended to the year 1848. But the undertaking had first been contemplated in 1836, so that it appeared that a period of twelve years was not sufficient to enable them to finish the work. He was sure that the House would now come to the conclusion that they were not deserving of the powers which they asked for; and for these reasons he should most willingly support the amendment.

Mr. *Masters* said, that he thought it would not now be advisable to thwart the progress of the undertaking, and he should, therefore, oppose the motion for a recommittal of the bill.

Mr. *P. Scrope* said, as far as his information entitled him to judge, he believed that motions for recommittal were never made, unless there were some informality which required that the bill should be recommitted and re-argued. He thought that if the House agreed to the motion, they would be casting an unmerited stigma on the committee which had already investigated the matter.

Lord *Granville Somerset* said, he would pronounce no opinion whatever with respect to the committee which had already investigated the merits of the bill. His object in rising was to propose that the evidence brought before the committee should be laid on the Table of the House before they were called upon to pronounce their decision. He thought neither party could fairly object to that proposal. He would take this opportunity of deprecating the practice of making extensive manuscript alterations, which was now so prevalent. He thought it was very desirable that that practice should be discontinued. In addition to the proposal for having the minutes of the committee laid on the Table of the House, he should also propose that the bill so committed be recommitted, in order that Members might have an opportunity of looking at those clauses. If it should appear that those clauses were of an important character, he trusted that a strong case would be made out for the bill; on the contrary, if it should appear that they were not of the slightest importance, then he should be prepared to express his opinion with regard to the measure. He thought it his duty, under all the circumstances, to oppose the committal of the bill, and should, therefore, move that the debate be adjourned.

Lord *Worsley* hoped the noble Lord would not press his motion, as the adjournment would put the parties to very great expense. He hoped the House would do him the credit of believing that he had done his utmost to give the bill a fair and candid examination, and the committee having come to a conclusion on the bill, he did not think it necessary that the House should put off the committal.

Mr. *Scholefield* said, he thought the reasons given by the noble Lord for deferring the consideration of this bill, were good reasons. In the committee it had been proved that one party had brought up clauses containing most important matter, which had been introduced, the other party not being aware of them. He should, therefore, vote for the adjournment moved by the noble Lord.

Mr. *T. B. Estcourt* said, no practice was so much to be deprecated, so far as the public interest was concerned, as the practice of bringing up clauses in a bill in the manner alluded to. The noble Lord had stated that in this case the clauses were not of very great importance. [Lord *Worsley:* The clauses referred to another company.] The practice of the House in such cases was to reject the report on the bringing it up, and to compel the parties to begin *de novo.* He thought they ought to take that course now, but under the peculiar circumstances of the case, he would yield to the more indulgent course proposed by the noble Lord (Lord G. Somerset) and adjourn the consideration of it.

Sir *R. H. Inglis* differed from his hon. Friend and Colleague, who certainly had an advantage that he had not, namely, local knowledge, which might possibly alter his view of the case. He desired to speak, not in reference to this peculiar railway, but in reference to the practice of this House. He could not understand for what purpose they delegated their functions of inquiry to a committee, and afterwards, when it had made its report by the hands of the Chairman, himself a selected Member, that they should have to re-discuss the matter. If it were contended that there had been any great irregularity in the proceedings of the committee, he could understand why the motion for re-committal should be made. It had been said by an hon. Gentleman that the proceedings were singular, because clauses in manuscript had been introduced into the bill. He would appeal to the youngest Member of the House, if twenty or thirty clauses were not frequently introduced in manuscript into bills. His noble Friend wanted to have the evidence taken before the committee printed. Why, it was printed already; besides, it was never sought to have such evidence printed, except for the purpose of impugning the decision come to by a committee. His noble Friend, in fact, sought to impugn the decision of this committee. The House was bound to respect the decision of its committees, and should not, without sufficient cause, reverse their decisions. He should, therefore, support the original proposition, that the report be now brought up.

Mr. *Labouchere* thought, there was a great tendency evinced on the part of the House during the present Session to relax the rules laid down in such cases as the present. It was a matter of the greatest consequence to adhere to these rules; so much so, that it was not a mere *prima facie* case that ought to make the House depart from them. The case for reversing the decision of a committee must be very strong indeed that should induce the House to depart from these rules. He thought that no case was made out, and therefore he would oppose the amendment.

Lord *G. Somerset* thought, as it was said that the local Members had a bias in favour of this measure, the best course was to move the adjournment of the debate until the minutes of the committee were laid before the House, so that they might be able to judge whether the accusations were true or not. Another reason he had for moving the adjournment was, that at the very last moment of the sitting of the committee some important clauses were brought up, in manuscript. It was necessary also that the House should have an opportunity of considering those clauses. Until they had had those documents before them, it would be impossible for the House to discern the real facts and merits of the case between the accusations and recriminations of the opposing parties.

Sir *R. Peel* fully concurred in the principle laid down by the right hon. Gentleman opposite, as a departure from fixed rules must tend to shake the authority of the House. But, not as yet knowing so much on the subject as he desired to know, he would abstain from voting at present.

Mr. *Lawson* also agreed with the general principles laid down by the right hon. Gentleman (Mr. Labouchere); still he felt obliged to divide the House on his motion.

The House divided that the debate be adjourned.—Ayes 74; Noes 110: Majority 36.

List of the AYES.

Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Allix, J. P.
Anson, hon. Col.
Berkeley, hon. C.
Bernard, Visct.
Boldero, H. G.
Botfield, B.
Bradshaw, J.
Bridgeman, H.
Brotherton, J.
Buller, Sir J. Y.
Campbell, A.
Chapman, B.
Chute, W. L. W.
Clive, hon. R. H.
Cochrane, A.
D'Israeli, B.
Douglas, Sir C. E.
Duncan, G.
Eliot, Lord
Ewart, W.
Fielden, J.
Ferrand, W. B.
Fitzroy, Capt.
Forster, M.
Goring, C.
Hamilton, W. J.
Hamilton, Lord C.
Holmes, hn. W. A'Ct.
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Kemble, H.
Knight, H. G.
Knight, F. W.
Lawson, A.
Lowther, J. H.
Lygon, hon. General
Mackenzie, W. F.
Mc Geachy, F. A.
Mahon, Visct.
Marsham, Visct.
Marton, G.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morison, General
Packe, C. W.
Peel, J.

Pinney, W.
Pringle, A.
Reade, W. M.
Richards, R.
Round, C. G.
Russell, J. D. W.
Scholefield, J.
Scott, R.
Sheppard, T.
Shirley, E. J.
Smythe, hon. G.
Sotheron, T. H. S.
Sutton, hon. H. M.
Taylor, J. A.
Thornely, T.
Tollemache, J.
Trollope, Sir J.
Trotter, J.
Tyrell, Sir J. T.
Vane, Lord H.
Vernon, G. H.
Wall, C. B.
Wodehouse, E.
Wyndham, Col. C.

TELLERS.

Somerset, Lord G.
Estcourt, T. G. B.

List of the NOES.

Ainsworth, P.
Antrobus, E.
Arkwright, G.
Baldwin, C. B.
Balfour, J. M.
Baring, H. B.
Barnard, E. G.
Barrington, Visct.
Baskerville, T. B. M.
Bentinck, Lord G.
Berkeley, hon. Capt.
Berkeley, hon. G. F.
Borthwick, P.
Bowring, Dr.
Brownrigg, J. S.
Buck, L. W.
Buckley, E.
Buller, E.
Burrell, Sir C. M.
Butler, hon. Col.
Cavendish, hon. G. H.
Charteris, hon. F.
Cholmondeley, hon. H.
Christmas, W.
Codrington, C. W.
Colborne, hn. W. N. R.
Colvile, C. R.
Compton, H. C.
Copeland, Mr. Ald.
Damer, hon. Col.
Dick, Q.
Divett, E.
Dugdale, W. S.
Duncan, Visct.
Duncombe, T.
Duncombe, hon. A
Easthope, Sir J.
Escott, B.
Evans, W.
Farnham, E. B.
Ferguson, Col.
Filmer, Sir E.
Forbes, W.
Forester, hn. G. C. W.
Forman, T. S.
Fox, C. R.
French, F.
Gaskell, J. Milnes
Gore, hon. R.
Greenall, P.
Grey, rt. hon. Sir G.
Grimston, Visct.
Guest, Sir J.
Hale, R. B.
Hawes, B.
Hayes, Sir E.
Hayter, W. G.
Heneage, G. H. W.
Hepburn, Sir T. B.
Hodgson, R.
Houldsworth, T.
Howard, hon. J. K.
Howard, hon. H.
Inglis, Sir R. H.
James, W.
Jocelyn, Visct.
Johnston, A.
Kelburne, Visct.
Labouchere, rt. hn. H.
Lambton, H.
Lockhart, W.
Mackinnon, W. A.
Manners, Lord J.
Majoribanks, S.
Martin, J.
Master, T. W. C.
Maunsell, T. P.
Meynell, Capt.
Miles, P. W. S.
Morris, D.
Napier, Sir C.
Neeld, J.
Neville, R.
Norreys, Lord
Ord, W.
Palmer, R.
Rashleigh, W.
Rawdon, Col.
Ricardo, J. L.
Rous, hon. Capt.
Russell, C.
Somerville, Sir W. M.
Stanton, W. H.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Towneley, J.
Troubridge, Sir E. T.
Turner, E.
Villiers, hon. C.
Vivian, hon. Major
Vivian, hon. Capt.
Waddington, H. S.
Wakley, T.
Wallace, R.
Wilde, Sir T.
Wood, B.
Wynn, Sir W. W.
Young, J.

TELLERS.

Scrope, P.
Worsley, Lord

The question that the amendments made by the committee be read a second time, was agreed to. Bill to be engrossed.

BARRACKS.] Major *Vivian* said, it would be in the recollection of the House that the noble Viscount, the Member for Sunderland, during the discussion on the army estimates, was pleased to reflect on the state of the barracks in the West Indies; and although he attached no blame to his noble relative, the late Master-general of the Ordnance, yet, as blame might fall on his noble relative if the noble Lord's statements were correct, he begged to move for certain returns, for the purpose of showing the expenditure connected with the barrack establishment in the colonies and the United Kingdom.

Captain *Boldero* said, it would take a long time to prepare the returns required by the hon. Member, and he must suggest, therefore that the returns be confined to the West Indies.

Major *Vivian* concurred.

Motion agreed to.

RANSOM OF CANTON. REVENUE.] Lord *J. Russell* wished to ask the right hon. Baronet at the head of her Majesty's Government, whether, in the revenue for the quarter ending the 5th of April, 1842, there was included any sum that had been received for the ransom of Canton.

Sir *R. Peel* said, if he was right in the figures, he believed the returns did include a sum of about 340,000*l.*, which would tend to swell the amount of the revenue.

COPYRIGHT.] Viscount *Mahon*, in moving the recommittal of this bill, said he wished to recall to the recollection of the House the understanding which had been come to respecting the bill on a former occasion, namely, that the discussion should be taken in committee. He proposed, therefore, that the House resolve itself into committee, and he would then state the grounds upon which he had presented the bill.

House in committee. On the first clause being put,

Lord *Mahon*:* In venturing to bring before the House the claims of men of letters, nay, even, I may say, of literature itself, I cannot but deeply deplore the loss of their distinguished advocate, Mr. Sergeant Talfourd. No party feeling can prevent me from regretting that the House is no longer adorned by his character and his abilities; and I will venture to say, that, though in leaving this House he has left a majority of political opponents, he has not, so far as I know, left one personal enemy. It is at the sanction and request of himself and other Friends of the measure that I have undertaken my present task; and, in pursuance of it, I will now lay before the House, as clearly and as plainly as I can, first, the progress and the state of the existing law; and secondly, the reasons that seem to me to make a change in it desirable. In most cases of doubful legislation we may derive advantage from the practice or the precepts of ancient times. None of these will apply to the present instance. For more than two centuries after the discovery of printing, the readers of modern literature were so few and far between, as to render the question of copyright of little or no importance. It has often been urged as a proof how little prized was *Paradise Lost* at its first appearance, that it was sold for an immediate payment of *5l.* But this fact rather tends to show how narrow was then the circle of readers. Readers, in truth, were then only of two classes of the court or of the college—either the gay companions of Charles the 2nd, who glanced at the last song of Rochester or the newest tale of St. Evremond — or the laborious student, who toiled through the tomes of Scaliger and Vossius. Reading had then in no degree, as now, penetrated and leavened the great mass and body of the people. The inferior authors, therefore, were left to starve or to beg as they could; their wretched garrets in Grub-street, their ragged clothing, and their scanty food, have been a fruitful and inexhaustible theme for scoffing on the part of richer and duller men. But with the better, or, if you please, the more fortunate authors, the want of purchasers to their books—the want of a public, in fact—was supplied by a system of munificent private patronage. Statesmen of all parties, ministers of every dynasty, vied with each other in promoting and rewarding the successful poet or writer of plays. There is a crowd of such cases. Prior and Stepney, known only by some elegant verses, became secretaries of embassies. Rich sinecures were bestowed on Wycherley and Congreve. Pope, as a Roman Catholic, was disabled by the laws of the day from holding any place or any pension; yet even Pope received an offer from Secretary Craggs of a yearly payment, to be concealed from the public, and to be defrayed from the secret-service money. Science was not neglected any more than literature. Acts were brought in, providing large rewards for the discovery of the longtitude and other philosophical objects. Philosophers then filled some places now only allotted to statesmen; and thus, for instance, Sir Isaac Newton was one of the predecessors of my right hon. Friend near me, the Master of the Mint (Mr. W. Gladstone). I am reminded, moreover, by another right hon. Friend next to me (Mr. C. Wynn) of the extent to which private subscriptions, as in the case of Pope's *Homer*, were then carried. Sir, this system of munificent patronage came to an end in the twenty years of Sir Robert Walpole's administration. Sir Robert, though a great statesman, neither possessed literature himself, nor prized it in others. He was of opinion, like some gentlemen I could name of the present day, that books are mere idle pastimes, and that no papers are deserving of respect, unless, indeed, when they are tied with red tape and enclosed in red boxes. He withheld all encouragement from men of letters: many of them, no doubt from personal resentment, took part against his government; and many of them were thus exposed to the most painful privations. It is truly grievous to remember that so great a man as Dr. Johnson, in his early days, often wanted a meal to satisfy his hunger, wandering homeless in the streets, or seeking warmth amidst the ashes of a glass-house. During this time, however, a reading public began to arise, and then it was that copyright became for the first time a question of interest. Several cases at law occurred on the subject about the commencement of the reign of George 3rd. There was the case of Donaldson *v.* Becket, and some others. It was then decided, on the judgment of Lord Mansfield, Justice Willis, and others, that, according to the common law, authors enjoyed a perpetual copyright. I wish this fact to be especially remarked—the existence of perpetual copyright according to the common law. But in 1709, during the reign of Queen Anne, this copyright was inadvertently limited—inadvertently, I say, because it certainly had been contrary to the intention of those who brought forward that measure, the Act having been entitled "For the Encouragement of Learning," and the framers of the act believing that it would effect this object in a greater degree. It did so happen, however, that inadvertently three little words crept in—"and no longer"—which limited the copyright to fourteen years, or fourteen more, supposing the author survived so long. I may observe in passing, that it is consolatory to reflect that haste and heedlessness in legislation are not confined to the present time, and that our mistakes are no worse than our grandfathers made before us. Certainly, in the present age, Acts of Parliament are liable to great blunders; and I have never, indeed, in my time, known a great measure passed without subsequently some Attorney-general or Secretary to the Treasury, on one side of the House or the other, rising to propose an amending bill, and to declare that the operation of the first had been entirely unforeseen, and different from what its framers had designed. Nay, it has frequently happened that the second measure had a little nest of errors peculiarly its own: so that a third measure was sometimes required to correct the errors of the second. Such, however, was certainly the case with this act of Queen Anne's reign; for, during many years afterwards, the courts of equity continued to grant injunctions for the protection of copyrights seventy or 100 years old. In 1735 an injunction was granted against an editor of Venn's *Whole Duty of Man*, and in 1739 one was issued against an edition of *Paradise Lost*—in both cases, of course, far beyond what the act itself could warrant. It was not till 1774 that the House of Lords did, upon a case that came before them, and by a majority of six of the judges against five, decide that under the act of Anne copyright extended only to fourteen years, and fourteen years more should the author be surviving at the close of the first term. In 1800 this copyright was extended to Ireland, and in 1814 the present act was passed, giving a copyright of twenty-eight years, or for the life of the author. This is the confused jumble of laws which I desire to consolidate: such is the insufficient term of protection which I seek to extend. I have said that I consider the existing term insufficient. There are those, I know, on the contrary, who hold that the very existence of any copyright involves practical injustice. An hon. Gentleman has urged this in former debates, and has said, broadly, that an author has property in his thoughts only while they are in his own brain or in his own manuscript; the moment he publishes them, they belong to the public at large. Here are the very words of the hon. Member for Derby (Mr. Strutt);—

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* From a corrected report.

> "I think that from the moment an author puts his thoughts upon paper, and delivers them to the world, his property therein utterly ceases."

Now, this notion deserves particular attention, for though seldom thus openly and fairly avowed, it will be found to lurk at the bottom of many other arguments—of many other prepossessions—against the bill. The contrary principle has never been more ably argued than by M. de Lamartine, who, in an excellent report of his, last year, to the Chamber of Deputies, shows that some men labour with their hands, some with their heads; some have to contend against the ruggedness of the soil or the inclemency of the seasons; others against the ignorance, the prejudices, or the prepossessions of mankind. But in both cases the labour may be equally irksome to oneself, equally beneficial to others, equally in both cases entitled to profit and reward. For my part I know not on what ground or pretence of justice you can say to a man who has reclaimed a field from the waste, "That field shall henceforth be yours," and yet deny all property to another man in the work with which he has enriched the domain of human intellect. I do not indeed, contend for a perpetual copyright in books, any more than for a perpetual entail of estates; but I do maintain that in both cases a right of property exists which is equally real, equally undoubted, and which should be held equally sacred. There are other opponents, however, who, like my right hon. Friend the Member for Edinburgh (Mr. Macaulay), admit the justice of copyright, but wish it to be restrained within very narrow bounds. I would particularly advert to the arguments of that right hon. Gentleman, for I well recollect with what eloquence they have been urged, and with how much effect upon the House they were attended. One main objection of my right hon. Friend was, that there would be a great risk of suppression. He stated, that cases might arise in which authors' heirs would be disposed to suppress works, the continuance of which in circulation would be in a public view desirable. Of that the right hon. Gentleman has alleged but two instances, neither of which, when closely examined, gives any real support to his views. The first was that of Richardson's grandson, a Mr. Crowther, whose hostile disposition towards the works of the author of *Pamela* has been presumed on very slight grounds, for in fact it amounts only to this—that this gentleman, a clergyman of very strict principles, had in chance conversation said to the Bishop of Calcutta, that he had never thought it right to read his grandfather's works of fiction. Now, surely, it is a very wide jump to infer from these premises, that, because a clergyman of strict principles will not himself read novels, he would therefore prohibit the reading of novels to the rest of mankind; and still wider is the leap from premise to conclusion, when my right hon. Friend imputes to this gentleman a desire to suppress and destroy his grandfather's works. Moreover, the truth is, that this gentleman was by no means the only representative of Richardson at the time. Mr. Crowther had another brother alive, a surgeon, of very different principles, without whose concurrence in the suppression it could not have taken place; so that, when tried and sifted, the first case of my right hon. Friend will be found to vanish into air. The second was that of Boswell's *Life of Johnson.* Now, there is no ground for supposing that Boswell's son, Sir Alexander, had been desirous of suppressing the book, though true it might be that he did not like to hear references made to his father's life in London, or acquaintance with Johnson. There were some circumstances, in Boswell's *London Life*, both as affecting character and fortune, which would not be gladly recalled to recollection by his son. But there is not the least evidence of a desire on the part of Sir Alexander to suppress the book. Nor could he have suppressed it with any advantage to his father's fame, for it was already in general circulation; and here lurks the great fallacy, if I may venture so to call it, of the argument of the right hon. Gentleman and the other opponents of the bill; they confound together the case of works already published, and of works in manuscript. Of course, any one with a manuscript in his possession, likely, if published, to injure the character of a deceased father, or even a deceased friend, would wish to suppress it; but then, in the case of a work already published, and spread abroad in thousands and tens of thousands of copies, surely no one could ever contemplate any advantage to the reputation of the author by suppression. So much, then, for the only two cases which have been cited by my right hon. Friend, whose rich stores of reading would doubtless have supplied better illustrations, could any better for his argument be found. There really would be no danger of a desire to suppress published works, unless, indeed, they were works of an immoral or anti-social tendency, the suppression of which would, of course, as we should all admit, be a public benefit. But to guard against all possibility of such a danger, a clause has been inserted in the present bill, giving the Privy Council Judicial Committee power to license works for publication, by other parties, in the case of suppression, being attempted by the proprietors of the copyright. With this clause, at all events, that objection as to risk of suppression would fall to the ground. For my part, I look upon this danger to be quite a chimera; but for that very reason I would let my right hon. Friend frame the clause as stringently and as severely as he pleases —let him freely construct the very strongest bulwarks he can devise against his imaginary foe! But there is another point which has been urged by my right hon. Friend, who has contended that it would be highly injudicious to extend copyright, for that the extension would be, in many cases, utterly useless to authors themselves. My right hon. Friend has, by way of proof, brought forward the case of Dr. Johnson, mentioning that at his decease that great writer had none dearer to him than "Black Frank," a negro footman; so that it would have been of little satisfaction to Dr. Johnson to have felt that some twenty or forty years after his own death the heirs of "Black Frank" would derive benefit from his works, and that no doubt he would much rather during his distress have had "a plate of shin of beef." Now, upon this case, so much insisted on by my right hon. Friend, I would first observe, that we are not left in doubt as to the opinions of Dr. Johnson respecting copyright; for that Dr. Johnson did, it is stated in *Boswell*, express himself strongly in favour of a very extended copyright—not less than a hundred years. But, looking to the particular circumstances of Dr. Johnson's life, I confess that I find them lead me to an exactly opposite conclusion. It will be recollected, that he had married very early, that he had lost his wife ere he had passed the prime of manhood, and that he had toiled through the remainder of his life mainly in mournful seclusion, amidst the gloom of constitutional melancholy. A letter written during this period (the last to Mrs. Thrale) will be, doubtless, in the recollection of my right hon. Friend. It is dated 1784, and prays God to bless her for the kindness which soothed twenty years of a life which, he adds, "at root was wretched." Now, why was that life thus "wretched?" Why was he doomed to that gloom and that seclusion? Why, but from the effect of that very law which denied him adequate property in his own productions, or sufficient rewards for his labours, and forbid him to surround himself once more with the charities of home. Why might he not have hoped, under another law, to have some one dearer and nearer than "Black Frank" to soothe his dying moments, or receive his parting breath? How unfair to urge the desolate state of Dr. Johnson—the very evil produced under the present law, as an argument against a change of that law! How painful would have been the feelings of that great and good man, had he foreseen that the circumstances of his distress would be distorted into an argument for prolonging the distresses of others! I would put it to any Member who hears me, even to the hon. Member for Finsbury (Mr. Wakley), whether the case of Dr. Johnson, adduced by my right hon. Friend, so far as it has any weight in the question, so far as it goes at all, does not go against the argument of him who has alleged it, and in favour of mine? Sir, for the various reasons which I have stated, I do venture to hope that in the present Parliament there will be found many Members more favourable than in the former to the measure which I have felt it my duty to propose. In the bill now before the House I have, however, made a very material alteration. Instead of a period of sixty years from the author's death, I propose to make the term twenty-five years. By another provision, I propose to enact that the whole term of copyright shall never be less than the present term, twenty-eight years absolutely. In proposing this reduction of the period which Mr. Sergeant Talfourd originally claimed, I wish to guard myself against it being supposed that I for a moment consider the former demand in the least degree unjust. I and those with whom I act ask for a diminution, not because we suppose a diminution desirable, but we ask for it because that reduction of the demand affords the best chance of carrying the measure. But then there are some other persons who, while they think our object good, believe that other means would be better. It will be in the recollection of the House that on a former occasion Lord Campbell, as Attorney-general, threw out a suggestion that, instead of framing a legal extension of the time, a discretionary power to extend it should be granted to the Privy Council. I will tell the House why I object to introducing any such measure. In the first place I have lately had a conversation with Lord Campbell, in which that noble Lord declared to me that, on further reflection, he saw many more difficulties in the way of his own scheme than he had at first imagined, and that he should not now wish for its adoption. Thus, then, had I reverted to his scheme instead of mine, I should not have had even its own inventor to support me! On many other grounds I object to it; for if the matter were to be left in the hands of the Privy Council, there would be no end to the difficulties arising out of the conflicts of rival claims. How and by whom are these claims to be decided? All Privy Councillors are not, I presume, *ipso facto*, competent judges of science and of literature. It is true that, in the case of works of science, reference might be made to the Council of the Royal Society; in that of history and works of research, the assistance of the Society of Antiquaries might be called in; but as regards works of lighter literature, what aid could the Privy Council derive from any existing institution? Therefore if even a recommendation was insisted on from these learned bodies, it would be merely altering the direction of the complaint from the Privy Council to themselves, and not in any degree removing the cause of the grievance. A period might occur again, as one certainly has occurred, in which the literary talents of the nation might be for the most part enlisted on one side as regarded politics. Thus, for example, it did happen at one time that all the lyrical poetry of Scotland was Jacobite. We, the adherents of the House of Hanover, could not, I am sorry to say, boast of a single good song. Now suppose the case of nearly all the eminent men of letters happening to be of one party in politics, and of that party happening to be in power, then let the House for a moment reflect upon the consequence of submitting the judgment on literary merits to the Privy Council. Nothing was more evident than that for the sake of the reputation of justice they would inflict injustice. To do justice in the case supposed they ought to grant increased copyright to none but authors of their own party; but, in order to shield themselves from reproach, they would certainly grant the privilege also to many authors of far-inferior merit, but of opposite party views. I therefore conceive, that though such a power in the Privy Council might be better than the present law—it is far less good than the law which I have now the honour to propose. Sir, it is alleged that the enjoyment of copyright has a tendency to increase the price of books. I do not deny, that to some extent this allegation is true; but is it an evil in the sense meant by those who complain of it, and to the extent which they have represented? Though in most departments of literature it may be true, that copyright has the effect of raising prices, yet in one at least there can be no doubt that its tendency is in quite the other direction: for it is well known that works illustrated by maps or engravings, if the copyrights are possessed exclusively, may be produced in a great variety of sizes, in order to suit the tastes and means of a great variety of purchasers; therefore, in such cases the effect of copyright is to reduce prices. But as to popular and illustrated works in which no copyright exists, the publisher of each separate edition is bound to have his own set of maps and engravings, instead of being able to make one set answer for every variety of size and form in which he might find it his interest to publish the work. In a letter written a few days ago by one of the most eminent men of the country, whose name, were I to pronounce it, would be received with universal reverence from both sides of the House, there are these words:—

> "It is supposed by some that though there would not be much cause for fear from an injurious monopoly in the descendants of authors, yet, when copyright passed into the hands of booksellers, it would be sure of taking place. This, I think, would not happen. Education and a taste for reading having spread so widely, and it being certain that they will spread more and more, no combination of booksellers could be ignorant that their interest would be better promoted by a low price to the multitudes, rather than by a high one to a few; and there is in this consideration a sufficient answer to all the vague things that have been dinned into our ears upon monopoly."

Of course, not giving the name of the writer, this passage must be considered by the House not as an authority, but as an argument. The general diffusion of education, however, and the desire for cheap books which now prevails, precludes the possibility of prices being unduly raised by any copyright bill. The demand for splendid books has ceased, or rather, the desire for useful and economical books has thrown it quite into the background. Before the beginning of the present century, Mr. Sheridan remarked that the manner in which the poetical works of that period were printed made them look " like a rivulet of text meandering through a meadow of margin;" but year by year cheaper editions are published, and the tendency of education is to produce more and more, a still cheaper style of producing books. Sir, if I were to argue such a question as this upon abstract principle, I should say a much larger measure than the present ought to be produced, and a much more complete mode of remuneration for literary men ought to be provided. Literary men can never be fairly rewarded by places or pensions. If left to these and these alone, the influence, or at least the suspicion, of partiality could never be vanquished. The fairest rule is, to leave them to the patronage of the public, but at the same time to secure to them the full enjoyment of that patronage. The fairest principle is that of rewarding them according to the sale of their works—the fairest test of their merits is the test of time. According to my bill, the bad author will receive nothing; the less good, little; but only the best much. Sale after a term of years elapsed becomes a just criterion of value. According to my bill, also, there would be no taxing of the idle for the sake of the studious. We do not say to the man who takes no pleasure in literature, you shall pay for another man to whom that literature is one main source of instruction and delight. Those only would be obliged to make the additional payment who really become purchasers of the work, and who on that account could not fail to feel some interest in the comfort and the welfare of the author. It happens invariably that a feeling of kindness for the author attends a feeling of admiration for his book; and the immense majority of the readers of standard works will, so far from deeming it a hardship, even hail it as a boon to contribute, by an additional twopence, or fourpence, or sixpence in the price of each volume (and more than this, under the present system of cheap publication, it could scarcely ever be)—to contribute, I say, to the ease and comfort of him by whom their intellectual enjoyment was imparted. But, Sir, there is another consideration to which I attach the greatest weight upon this question. In framing the proposed extension of the period, it is important to do all that legislation can effect for the purpose of encouraging an author to write rather for permanent and enduring fame, than for the purpose of acquiring the approbation and enjoying the plaudits of the present day. There is some difficulty, I know, in dealing with this point. Some Gentlemen may allege that the taste of the present age—their own taste, in fact—is already quite perfect—and this opinion, if even I should disbelieve, I have no power of disproving. But, looking back to our history, there were periods when it is now universally acknowledged that a corrupt and vicious taste prevailed. Take, for example, the "Euphuists" and their imitators, under Queen Elizabeth. I dare say that most of the Members who hear me are as unread in their productions as I am myself, but they have become familiar to us all by a character in one of Sir Walter Scott's romances — Sir Piercy Shafton, who is represented as one of the euphuists of Queen Elizabeth's time, and who always speaks of a cowherd as a "Bucolic juvenal," and of a miller's maid as a "farinaceous damsel." That was in those days considered the very acme and perfection of good taste. Supposing, then, that a reading public had existed in those times—supposing also that the writers of those times had had no resource beyond that reading public—would they not have been induced to conform to that corrupt taste and to that evil time, instead of aspiring after high and permanent fame? Ought not, then, the law to counteract and counterbalance so far as possible, instead of foster and promote the selfish feeling that seeks merely its own present good? The visit of a king of Prussia to this country might lead to the publication of the works of Frederick 2nd., or the auspicious birth of the Prince of Wales produce Memoirs upon the Duchy of Cornwall; but surely it is the duty of a wise and just Legislature to encourage literature of an enduring character, in preference to that which is merely ephemeral—to induce men to look beyond the taste of the present day, and to aim at the noble object of raising and reforming the public taste. I propose that the law of copyright shall extend to a period of twenty-five years after the death of the author, and could I hope for success in proposing a longer period, that should be my proposal; for I desire to hold out inducements to men to write, not for their own age, but for all time. Sir, I should not do my duty to the question I have undertaken, if I failed to remind the House of the gradual extension of copyright—of the growing movement upon this question—through all Europe. From Russia down to Spain—from the states most attached to ancient customs, down to those chiefly rent asunder by civil strife—attempts have been successfully made to increase the encouragements to men of letters. The law of France gives ten years absolutely after the death of the author, and twenty years, provided he leaves any kindred to enjoy the benefit of his labours. But this has not been deemed adequate, and an attempt was recently made, and nearly carried, to extend the period to fifty years after death. Here is an extract from a report drawn up by that great poet and upright statesman M. de Lamartine, which was laid before the Chambers in March 1841:—

"The whole of Europe is at this moment inspired by one common thought and care for the protection of literature. It is the part of France to take the lead of Europe. Her high station in the civilised world has been won for her by the hand of her artists, and by the pen of her poets and historians, even more than by the sword of her soldiers. After so many other victories, could France leave to neglect or to spoliation those powers of thought that have achieved a mighty and pervading empire over all time and all space? Let it be the part of France to take the lead of Europe."

I should say let England take the lead; let it not be said that in so noble a work Englishmen alone were backward. All distress may claim our sympathy, but in truth there is something peculiarly grievous, peculiarly heart-rending, in the distresses of a man of genius. The same delicate refinement of taste, the same exquisite sensibility of mind, that had enabled him to soar to eloquence or poetry, when in destitution, serves only to aggravate his sufferings, and sharpen the sting of his calamities. Imagination, that could once call down the brightest visions at his will, would then but darken the gloom of the harsh realities around him. Imagine such a man in the decline of life, proud for himself of his honourable poverty, but unable to leave any pittance for those dearer to his feelings than himself; and then imagine his thoughts reverting to what his fortunes might have been, had he in earlier life betaken himself to some less glorious but better rewarded course of labour. Imagine him comparing his gains with those to be acquired by talent, industry, and probity, as a merchant or manufacturer. And then imagine him recalling some such taunts as we have often heard in that House, that genius should seek for no reward but glory, that paltry gain should be below its attention. Has that always been a mere fanciful picture? Has it never borne any approach to the reality? In former debates the names of some eminent men of this day, men of whom we are proud to be the countrymen, have been mentioned. I will not name one of them now. Not that I wish the thought of them to be absent from those I am now addressing, but I think they will perhaps most be felt when each man shall recall them in silence to his own recollection. Like the statues of the ancient heroes withheld from a solemn procession, "*Præfulgebant eo ipso quod effigies eorum non visebantur.*" But in truth this argument might be carried much farther: for the want of due encouragement to men of letters in their career—the want of encouragement to others to embark in that career—is injurious not only to themselves, but to the nation at large. And here I will not indulge in what might be deemed a fanciful appreciation of the lustre and glory which great works of literature can shed upon a language and a people. But let us take a mere dry matter of fact—a mere ledger-like account of profit and loss. Take, for instance, the *Life of Nelson* by an eminent living writer—each page as accurate as a law-record, yet each page as entertaining as a novel. Has that celebrated work, the *Life of Nelson*, which produced so powerful an effect upon the public mind, been rewarded as it deserved? There is no doubt that the work to which I refer has contributed greatly to maintain the navy of this country in its present exalted state. The perusal of the *Life of Nelson* has kindled, has cherished, and has kept alive the feelings of professional pride and honourable emulation. Do you think it a light thing that the words of eloquence should thus illustrate and enforce the deeds of glory? Do you deem it a small advantage that the young officer, serving in the navy, should thus have as his hand-book the life of him who has been the great star and beacon-light in that profession? Depend upon it, many a young heart has, in the hour of danger, beat high with the recollection which that book inspired—depend upon it that the thought of it was not unfelt in such deeds as the storming of Acre or the capture of Amoy!—But, further still, may not many a young man who would otherwise have preferred a life of safe and quiet application, and certain profit at home in trade or commerce, have been impelled to the service of the country by these glowing pages? Sir, I have this moment been informed by my right hon. Friend next me (Mr. C. Wynn) that he actually knew of such an instance, and that there will be no breach of confidence in my stating it to the House. He refers to no less a man than Mr. Canning, who assured him that his eldest son had determined to embrace the naval profession from the effect of the *Life of Nelson* on his youthful mind. This is an instance, that, I am sure, the House will not hear without interest and pleasure. There are some other points of detail which I might now advert to, but which I may more properly reserve in case of objection being taken against them. I can assure the House, however, that great care and pains have been taken in their framing and adjustment. The House will remember, that when Mr. Sergeant Talfourd first introduced his measure, of the four classes, besides the reading public, interested in the bill, namely, authors, publishers, printers, and stationers, three out of the four classes opposed the measure. Now, however, the leading men among all the classes which I have named have expressed themselves in favour of my measure, and have lately petitioned the House to adopt it as it stands. With these observations, then, do I commend this measure to the House. In what I have said it has been my most anxious wish to avoid a single word that should remind us of any political dissensions or awaken the dormant feelings (for dormant should they be on this occasion) of party. I commend this measure, conscious that we, the promoters of it, have no selfish or sordid objects in view. I commend it, persuaded that if you provide due and adequate rewards for literature, and encouragement to it as a career —if you raise it in the social scale, and adorn it with marks of public gratitude—you will bestow not merely on those who cultivate that literature a personal boon, but on the nation at large a public blessing.

Mr. *Macaulay* observed, that he was seldom fortunate enough to agree with his noble Friend, and the present was, he believed, the first occasion on which a speech made in one Parliament had been answered in detail in another. It would not be difficult for him to go into the topics adverted to by his noble Friend, and to set out anew the arguments which he had advanced last year, and to fortify them, if necessary, by additional facts and illustrations. He thought it, however, unnecessary to wander among topics foreign to the question then before the House. But if the speech of his noble Friend was directed against that which he had delivered last year, it was certain, that the measure of the noble Lord was more in conformity with the sentiments then expressed by him, than the measure of which he had spoken. He had objected to a term of sixty years, and the noble Lord had cut down the proposed duration of copyright to twenty-five years. He had set forth the danger of the works of an author being suppressed by the operation of the plan then proposed, and now his noble Friend had come down prepared with a clause to meet that difficulty. If, therefore, he were to apply himself to answering the speeches made in defence of the measure of Mr. Sergeant Talfourd last year, he should be arguing against a principle not now before the House. He therefore proposed to confine himself strictly to the matter then in hand. He had never objected to an enlargement of the term of copyright to men of letters. When Mr. Sergeant Talfourd brought in his bill, he had not opposed it. It was his intention, on the contrary, to vote for the second reading, but the learned Sergeant concluded his speech by expressing his desire, that no one would vote for the measure who might be afterwards disposed to reduce the large term of sixty years which he proposed. The learned Sergeant had said,—

> " Don't let me have support in this stage, if it be hereafter meant to reduce the term I propose to fifteen years. I despise such support; I don't wish for it."

The learned Sergeant having expressed himself to that effect it became impossible for him to vote for the second reading. But they had now entered upon the discussion of this question in a very different spirit. He was not unwilling to extend, considerably, the protection afforded to authors. On the contrary, he was disposed to extend it more than his noble Friend, but at the same time he must express the opinion, that the mode by which his noble Friend proposed to effect their common object was bad, and that by which he sought to reach it was good. The present state of the law was this, copyright for life, or for twenty-eight years. His noble Friend proposed copyright for life, with the addition of twenty-five years. Now, what he proposed was this, copyright for life, or for forty-two years, whichsoever shall be the longer. He proposed to add a certain term of fourteen years more to the present term of twenty-eight years, Now, he thought, with all submission, he should be able to show to demonstration, that this plan was more just and reasonable, a greater boon to men of letters, and much less inconvenient to the public than the proposal of his noble Friend. He presumed it would be admitted, that with respect to all benefits intended to be conferred for the advancement and encouragement of works of literature, or those of an analogous kind, it was of the greatest importance that such benefits should not be capriciously or irregularly bestowed. It was of the highest importance that they should, as nearly as possible, be equally distributed. It was of the greatest importance, that those who best deserved the encouragement to be given should gain the largest share, and enjoy the highest degree, and that the smallest share should fall to the lot of those who least deserved it. Upon these principles, which he conceived were perfectly clear, he believed he could succeed in showing that what he proposed was preferable to the measure of the noble Lord. He admitted, that perfect equality could not be gained. He agreed, for reasons so obvious, that it was quite unnecessary to enter into a detail of them, that there must be a term for life. But life being, of course, liable to casualties, and its duration being uncertain, he contended, that the evil would be exaggerated by the means proposed by the noble Lord. Take the instance of two contemporary authors, both ladies, and distinguished in the lighter walks of literature, Madame D'Arblay and Miss Austen. The most beautiful of the novels of Miss Austen would have only twenty-eight years of copyright, for the authoress died shortly after the composition, while the copyright of Madame D'Arblay's *Evelina* would last sixty-two years. Observe the contrast — twenty-eight years for one work, and sixty-two years for the other, each being of the same class of literature. He was not taking upon himself to determine upon the merits of the one work or of the other, but he simply adduced the instance to show the unequal working of his noble Friend's proposal upon two works of the same kind. Observe what his noble Friend would do. His noble Friend would add twenty-five years to the sixty-two years in the one case, and in the other leave the twenty-eight years where they were; thus making a difference as between twenty-eight and eighty-seven. He would raise the short term to forty-two years, and while his noble Friend extended the difference between the two terms to sixty years, he diminished it to eighteen or twenty years. Indeed, if gentlemen would go through the literary history of the country, and, taking the principles of his noble Friend and of himself, apply them to the works of authors for two centuries and a half, they would hardly find a case in which the application of his noble Friend's proposal could be wished for in preference to that which he had the honour to submit as an amendment. Milton died in 1674. Now, all Milton's copyrights would, by the proposition of his noble Friend, expire in 1699. *Comus* was written in 1634. To *Comus*, then, his noble Friend gave sixty-five years of copyright, to *Paradise Lost* thirty-one years, and to *Paradise Regained*, and *Samson Agonistes* twenty-eight years. Compare his proposition with that of his noble Friend, and he would venture to say, that if the House were legislating only in the case of the works of Milton, it would determine that the fairer and more legitimate scheme—the scheme more gratifying to its own mind—more consistent with its own sense of justice to the author—and in every way more beneficial to the public, would be, that all the works of that great writer should have a copyright of forty-two years, rather than that the worst of them should be protected for a very long term, and the best of them left with scarcely any protection at all. Take another instance—take Dryden, the next great name in English poetry. His noble Friend's proposition would give a magnificent protection to the inferior poetry upon Oliver Cromwell, and to *the Wild Gallant*, and other bad plays, whilst to the *Fables* and to the *Ode in Honour of St. Cecilia's Day*, which were published towards the close of the author's life, and which classed amongst the most exquisite productions of his pen, the protection would be comparatively slight and insignificant. The verses which Dryden wrote upon Oliver Cromwell were published in 1658; the copyright proposed by his noble Friend would extend to 1726, a term of sixty-eight years; but to Dryden's last volume, containing the *Fables*, and the *Ode in Honour of St. Cecilia's Day*, the copyright, according to his noble Friend's plan, would be cut down to twenty-eight years. So that the copyright of Dryden's worst works would continue for sixty-eight years, whilst the copyright of the *Fables* and of the *Ode in Honour of St. Cecilia's Day*, the last great work of his life, would continue only for twenty-eight years. Then take Pope—it really mattered very little what great author one referred to, and the multiplication of instances after all might appear to be wholly unnecessary — but take Pope. His noble Friend's proposition would give to Pope's *Pastorals*, which were written when the author was only sixteen years of age, and which were remarkable as the literary production of a mere youth, a copyright of sixty years; but when he came to the later and more able productions of the same writer, to *The Dunciad*, for example, in its finished state, his noble Friend would give only a protection of thirty years. Now, according to the plan which he proposed, these inequalities, so incongruous in themselves, and so utterly inconsistent with the relative value of the works to be protected, would be entirely overcome, because to every one of the works of Milton, Dryden, and Pope, would be given an uniform protection of forty-two years. Coming to writers of a later period, take the works of Johnson. Johnson's first work was a translation of a volume of *Travels in Abyssinia*, published in 1735; and a book so poor, that Johnson himself did not like to hear it mentioned in his later years. When Boswell told him that he had obtained a copy of it, "take no notice of it," said he, 'tis a thing to be forgotten." To this work his noble Friend would give a protection for the enormous period of seventy-five years, whilst to the *Lives of the Poets*, he would give only a protection of thirty-five years, and to *The Tour to the Hebrides*, a much shorter protection. So that in the instance of Johnson, as in the instances of the other great writers he had mentioned, the best works would receive only a comparatively slight protection, whilst the earlier and very inferior productions would receive an amount of protection infinitely beyond their relative merit or value. There was another instance that he could not pass by—the instance of Henry Fielding, whose first works no human being would ever think of reading, nor deem it worth while to revert to, or perhaps ever remember or know any thing of, except for the excellence of his subsequent great works, *Tom Jones* and *Amelia*. Who would ever think of classing *The Temple Beau*, and a host of earlier dramatic pieces, possessing no worth, and evincing no genius, with the incomparable *Tom Jones*? Yet to the first of these his noble Friend would give a copyright of fifty-two or fifty-three years, whilst to the last he would afford only a protection of thirty years. Take any or all of the most eminent writers in our language, and there was not one of them to whose works his noble Friend's proposition would not apply in the same objectionable manner. The worst works would be protected for a very long term—the best works only for a comparatively short term. But upon the principle which he proposed, it would be found, that all the works of the same writer would be protected, almost without exception, for a regular, fixed, and definite term of forty-two years. Take the instance of Burke; his first little tract on the *Vindication of Natural Society*, in all probability, would not be remembered at this day, but for the subsequent eminence of the works of his maturer years. Yet his noble Friend (Viscount Mahon) would give to this earlier work a copyright of sixty years, whilst to the later and greater productions of the same great mind, such as the work on *The French Revolution*, and *The Regicide Peace*, he would give only a protection of thirty years. This appeared to him to be the ruling vice of his noble Friend's scheme. Nobody would pretend to doubt that the later works of all the great writers he had named were infinitely the more valuable; infinitely more illustrative of the extraordinary powers of mind possessed by the respective authors; infinitely the more worthy of the protection to be afforded by the extension of copyright. He had shown the sort of protection that would be given by his noble Friend's plan. There was this striking inconsistency in it: for Madame D'Arblay's *Evelina*, it would give a copyright of eighty-seven years, whilst to Milton's *Paradise Lost*, it would give a copyright of only twenty-eight years. He could conceive only one justification for this enormous inequality, and that would be, that the works to which the greater protection was given were better than the works to which the lesser protection was given; but it would be seen from what he had briefly stated, that under his noble Friend's plan the crudest and least finished books of all authors would receive the greater protection, and the ablest and best works the lesser protection. This, as he had said, was the ruling vice of the plan; and it was a vice that applied not only to the literature of England, but was equally applicable to the literature of all ages and all countries. There was no copyright with the Greeks and Romans; but go back to the most brilliant days of Greece and Rome, and it would be found, that what is true as regarded the earlier and the later works of the great writers of our own age, was equally true as regarded the youthful and the mature productions of the great men of antiquity. What comparison could be drawn between the earlier and the later works of Sophocles? Who would mention in the same breath, or hardly in the same day, the speech *against his Guardians*, and the speech *upon the Crown* of Demosthenes? Yet, under such a plan as that now proposed, the inferior of these works would receive a protection twice as long as the works which gave to the authors their immortality. Go to Rome; the same remark applied to the works of Cicero. Take a later period. Go to Spain, go to France; the same remark applied to the writings of Cervantes and Racine. Go to Germany; his noble Friend would give to Schiller's *Robbers* a longer protection than to *Wallenstein*, and to Gœthe's *Sorrows of Werter*, than to *Wilhelm Meister*. He begged pardon, if this reference to the authors of other countries, and of other ages, fatigued the House; but hon. Gentlemen must feel that upon this subject literary history was the same thing as national and constitutional history upon questions of general policy. The inequality in the production of authors, to which he had briefly endeavoured to direct the attention of the House, was not a matter of accident—not the result of mere chance—it was one of the inevitable consequences of the structure of the human mind, which did not receive all its impressions at once, but grew in strength and wisdom as it advanced in experience, and extended its range of observation. If he and his noble Friend were to sit down together, and draw up a list of the most eminent writers to whose works his noble Friend's plan would give a protection of sixty years, and another list of the most eminent writers, whose works, under that plan, would receive a protection of less than forty years, it would be found, that the works coming within the more limited range of years, were infinitely more numerous, and infinitely better than the number that would be included within the more extended range. Under his noble Friend's plan, the longest period of protection would be given to the works written in the earlier stage of the author's life. So that if a writer published a work hastily, at sixteen or eighteen years of age, as Pope published his *Pastorals*, or rather wrote his *Pastorals*, for he did not publish them till he was twenty-one, that early, crude, and imperfect work would receive probably double the protection afforded to the later and abler works upon which, perhaps, the whole of his reputation might rest. It was perfectly true, that young men often displayed extraordinary powers of genius; but it was not the fact, as far as experience yet went, that their first works were their best works. This was true even as regarded works of imagination. No great work of imagination had been produced under the age of thirty or thirty-five years; and the instances were few in which any had been produced under the age of forty. Whatever powers of genius a writer might be possessed of, the saying of Marmontel was yet true, that "a man cannot paint portraits till he has seen faces." Whatever the vivacity or brilliancy of fancy exhibited in the writing of youth, it remained for the nicer and more discriminating observation of maturity to give that sterling value to the productions of the mind which secured an immortality to the author. The fact, therefore, was, that in matters of imagination, the class of books which his noble Friend's proposition would most favour, were likely to be the worst, whilst those which he particularly discountenanced were likely to be the best; for whilst his noble Friend gave this enormous addition to the copyright of works published in the earlier years of the author's life, he did nothing whatever for such works as might be published two or three years before the author's death; because by the existing law, there was a copyright of twenty-eight years from the time of publication, and under his noble Friend's plan, only a copyright of twenty-five years from the time of the author's death. So that in point of fact, as related to the work of an author published in the last year of his life, the protection given by his noble Friend would be less than the protection afforded by the present law; and for any work published during the last seventeen years of an author's life, the protection under his noble Friend's system would not be so long as under the plan which he proposed. Now he ventured to say, that no man acquainted with literary history would deny, that taking the writings of authors generally, the best and most valuable of their works had been produced within the last seventeen years of their lives. He had mentioned shortly and rapidly the names of but a few of the English works published within the last 250 years, to which his proposition would give a longer term of copyright than the proposition of his noble Friend. If the House should find included in that list, with scarcely an exception, everything that was greatest and most conducive to the glory of our national literature in the eyes of the world, then he did not see how it could hesitate about preferring his plan to that of his noble Friend. He did not propose to give to the earlier and cruder works of authors the same extent of copyright as his noble Friend would give them; but he proposed a longer term of copyright for their maturer and better works. He did not propose to give to *Love's Labour Lost* the same amount of protection as to *The Tempest*, to *Lear*, *Othello*, and *Macbeth*, but to Spenser's *Faery Queen*, to Bacon's *Novum Organon* and *De Augmentis*, to Lord Clarendon's *History*, to Milton's *Paradise Lost*, to Locke's *Essay on the Human Understanding*, to Dryden's *Fables*, to the whole of Addison's *Spectator*, *Tatler*, and *Guardian*, to Cowper's *Task*, to Hume's *History*, to Gibbon's *History*, to Smith's *Wealth of Nations*, to all the poems of Burns, all the poems of Byron, and, with the single exception of *Waverley*, to all the novels of Sir Walter Scott: to the whole of these specimens of our literature —which he defied his noble Friend to match—to the whole of these, his proposition would give a longer term of copyright than the proposition set forth in the bill now before the House. To many of them, and amongst them the very greatest, such as the *Faery Queen* and *Paradise Lost*, his proposition, as compared with that of his noble Friend, would give an extension of from ten to fourteen years. He thought therefore that he had shown this:—first, that his noble Friend proposed to distribute his protection very unequally, whilst he proposed to distribute it equally; and, secondly, that his noble Friend's inequality was an inequality on the wrong side, giving the greater protection to the worst instead of the best class of books. Having established that point, he did not see how his (Mr. Macaulay's) amendment was to be resisted. He thought that there were other advantages attaching to the proposition which he ventured to offer to the House, which gave it a decided superiority over that of his noble Friend, He conceived that upon all the principles upon which patronage ought to be given to literature his was the better proposition of the two. He should therefore move that in the third clause of the bill now before the House, to leave out the words "twenty-five years;" and in a subsequent part of the same clause to substitute for "twenty-eight years," the words "forty-two years." If the House adopted these amendments he thought it would confer a great boon upon literature in the most unexceptionable manner, and with the smallest possible inconvenience to the public.

Sir *R. H. Inglis* said, no one could expect him, nor would he for one moment attempt, to follow the learned and eloquent speech, one full of so much research as that just delivered—indeed, during his whole life he had never known any person able to follow such a speech but one, and that was his late friend Sir J. Macintosh. He was the only man who, to his knowledge, could have met such an array of names of those eminent in literature as had just been laid before the House; but he did not think it necessary that he should follow his right hon. Friend through that great and illustrious list; it was enough for him to say that his right hon. Friend had omitted one very prominent object contemplated by the bill of his noble Friend, viz., the provision it made for allowing dying authors to make provision for those who were dear to them and whom they were leaving behind them. By the proposition of his right hon. Friend, the author, in his last moments, might be obliged to leave his family devoid of that provision which he might have been able to make for them had he turned his attention to anything else than literature. Take the case of an author surviving the period now allowed to him, and even after adding the fourteen years which were to be conceded to him, still he might be alive and see the provision he intended for his family snatched from him, while the proposition of his noble Friend would leave him the right of bequeathing the property he had created by the exertion of his mind in the same manner as if it had been property acquired in a different way. His right hon. Friend had forgotten the concurrent conduct on this point of every civilized country, except Austria, in Europe—he might say of the world, for America had always recognised the right of the author in the productions of his mind. Such concurrent testimony, if it did nothing more, at all events justified the presumption that his noble Friend was not so very far wrong as his right hon. Friend had insinuated. But his right hon. Friend had omitted a whole class of cases—with the exception of Sir Walter Scott he had wholly omitted the authors of the day, and he also believed that with that single exception none of the present writers ever sold their copyright, or if there was one other exception, he had made it his first object afterwards to recover possession of it again, if at all within his power. He was astonished at the omission of the whole of the authors of the present day from the catalogue of his right hon. Friend. There were three illustrious living authors, Wordsworth, Campbell, and

Southey. If such a bill as that proposed by his right hon. Friend were passed, they would be unable to derive that benefit from their literary labours which all classes would join in saying they deserved. He would venture to assume that all were united in the feeling that full justice and every liberality ought to be awarded to the living literature of England and those who had recently departed. The proposition of his noble Friend would better meet the claims of the three authors whom he had named than that of his right hon. Friend—by the former a longer interval would elapse, during which their works would receive protection. The great poems of Southey—some of the greatest of Wordsworth—all Campbell's greatest works, and with equal confidence Rogers's great works, to all of these his noble Friend's bill would give a protection, which would be denied them by that of his right hon. Friend. The *Pleasures of Memory* was published in 1796, but by the proposition of his right hon. Friend the copyright of that excellent poem would cease on the day they had the misfortune to lose Mr. Rogers. Again, in the case of the copyright of Sir W. Scott's poems, the copyright, supposing he were still alive, would cease in ten years; but, if his noble Friend's proposition were agreed to, they would remain in the possession of his family for an entire generation. It was certainly in favour of the proposition of his noble Friend that in spirit it had been adopted in every civilized nation throughout the world, with the one exception of Austria. Such had been the progress of opinion in France, that the proposition to extend the copyright to thirty years had been carried in one Chamber. In Prussia the copyright now extended to thirty years; in Belgium twenty years; in France twenty years; but in Spain, in Denmark, in Sweden, and in Norway, it was perpetual. He could understand the latter proposition, and, in his opinion, it was a much more reasonable one than taking any fractional term whatever. He could appreciate the demand made by the political economists for what they called a free-trade in literature; on the other hand, he could more fully appreciate that proposition which would give perpetual protection to the emanations of the brain: but he confessed he could not understand why any precise period, be it twenty-eight years or be it forty-two years, should be a just limit for the protection either to cease or to continue. But, knowing the state of public opinion in this country, and knowing that because of that opinion he could not obtain what he thought the abstract justice of the case demanded, he consented to accept of that protection which, in his opinion, would most tend to the benefit of authors. His right hon. Friend had argued that the proposition of his noble Friend would afford the greatest protection to the weakest conceptions of authors, but that argument would not stand, for if a book were not good all the extension of copyright would prove wholly useless. Let hon. Members remember they were taxing only those who were themselves willing to pay the tax, for only those could encourage literature. He was not fond of quoting the example of Russia, either in point of literature or policy, still, when they found that no country, however barbarous, admitting all that had been ever said against that nation—when they found Russia affording that protection which they were now seeking, was it not a disgrace to an enlightened nation? Under those circumstances he felt that he would be discharging his duty by accepting that proposition which came nearest his own wishes, and that was the one proposed by his noble Friend. He saw that the hon. Gentleman opposite (Mr. Wakley) was prepared to argue the whole matter; but he trusted they would not again hear those arguments which had heretofore been used, but treat the matter, not upon the grounds of political economy, but on those of justice. The protection they asked for authors was very slight, and he trusted no one in that House—he knew few out of it—would grudge it. He would with much pleasure vote with his noble Friend.

Mr. *Wakley* felt, that there was scarcely an enemy to attack or to oppose—at any rate, if one had presented himself in front, he had done so with so little ammunition as scarcely to call for a shot in return. The noble Lord had made a most sensible speech, but it did not contain one argument in support of the proposition he made to the House: he had utterly failed to make out his case; he had shown no necessity for any alteration of the law of copyright. He had failed to sustain his statements by any allegation of facts showing a necessity for interference, and was the House, merely because the sympathy of the noble Lord had been acted upon by some sentimental persons out of doors, was the House on that mere ground to interfere with the literature of the people? Had the noble

Lord adduced any fact to show the necessity for any such interference? He had, indeed, stated that some authors had petitioned that House for an alteration of the law of copyright. But who were they? Were they authors who had been underpaid, and who had a right to come to the House and complain? If a committee of the House were granted, he was prepared to show that within the last forty years the authors had received sums altogether unexampled in the history of literature. Why, Sir Walter Scott had himself received upwards of 250,000*l.* for his literary labours; where was there anything equal to that in the olden times? He would ask whether a reading public could be created by act of Parliament? and further, he would ask what had brought authors such immense rewards? It was not literature alone. In all the arguments they had heard that night, or upon any former occasions, they had never heard anything in respect of the labours of the man of science. Where would authors be had it not been for the introduction of printing by Caxton in 1464? It was in consequence of the introduction of that art that authors had received such immense rewards. He saw in the conduct of certain parties who were constantly dinning that House, the real degradation of literature; never before was it so degraded as by the frequent applications to that House for further protection. Let them recollect that there were millions of people to be instructed, to be amused, and enlightened; were they to forget the influence which reading had upon the mind? Committees had sat upon the same subject in 1813 and in 1818. In the latter year an addition of fourteen years was made to the then copyright, and he was very sorry to hear that the right hon. Gentleman the Member for Edinburgh now proposed a further extension of fourteen years. He was sorry for it, because he was afraid it would operate to the injury of the public. The hon. and learned Gentleman had gone through a long catalogue of authors, and had reminded the House of works produced by the most powerful intellect, which would maintain a station in literature to the latest posterity. Was it expected that they would get better works than those to which the hon. and learned Gentleman had referred under the new law? Those works were produced, let it be observed, at a time when authors were worshipping something of a more estimable character than the molten calf; they were now paying their devotions at the shrine of pelf—they were seeking to gratify feelings of avarice. [*"Oh, oh!"*] Hon. Gentlemen might say "Oh," but he asserted that such was the fact. Why did authors come to that House and require such a protection as was proposed to be afforded them by the bill of the noble Lord, if it were not so? Why did they require such high recompense for their labours? Why were they not satisfied with the rewards received by such men as Milton, Bacon, Shakspeare, and Locke? Could not the authors of the present day be stimulated to such exertions as had been made by those men, unless they were allowed to thrust their hands into the pockets of the people? He knew of no circumstance so much calculated to lower the character of literary men in the estimation of the country as the attempt they were now making to obtain an extension of copyright for their own aggrandizement. At no period of history had literary men been guilty of such degrading and disreputable conduct. He now begged to direct the attention of the House to the investigations which had been made with reference to this subject before committees of the House. He was surprised, if Mr. Sergeant Talfourd and the noble Lord considered they had a good case—a case which could be sustained by facts proved in evidence,—that they had not, as was previously done, moved for a committee of the House, which might obtain evidence on the subject, and lay it before the House in the form of a report. What was the argument of the supporters of this measure? They said, "Alter the present law; hold out to literary men a greater inducement to produce works, by giving them a higher reward for their labours." What was the evidence of publishers as to the price they would give for literary works if the copyright was extended? Before the committee of 1818 Mr. Murray was asked,

> "In treating with an author for the purchase of copyright, should you give more for the twenty-eight years, now absolutely extended to authors, than you would for his copyright of fourteen years, as formerly?—I do not think I should, because there are so few books upon the copyright of which we can calculate for its extending to twenty-eight years. The chance that a book will survive the first fourteen years is so small that I do not feel that the twenty-eight years' certain copyright in the generality of works would be sufficient to enable me to increase the terms of the author. Generally speaking, there are few books whose reputation extends beyond fourteen years, so

as to render them a valuable property after that period. Are you not aware that in 1814 it was considered a great point, for which many petitions were presented to the House of Commons, to have the contingency of the twenty-eight years' copyright turned into a certainty?—(To this Mr. Murray replied)—I think it was so considered, but I do not believe I was one of those who were very desirous of that extension. Can you form any calculation what the chances are of a book having a sale after the period of fourteen years is expired?—The average of chances is, that it would not have any sale beyond the fourteen years. Perhaps I should say that the average would be about one in a hundred that would be likely to retain any value of copyright after the first fourteen years had expired."

All the other witnesses confirmed this statement. They were of opinion that the copyright of not more than one book in 100, or one in seventy, would be valuable after the first fourteen years had expired. [" Hear."] The hon. Baronet (Sir R. Inglis) cheered this observation. If he understood the argument of the hon. Baronet, it was this, " Give a copyright for a longer period than is now allowed, and you will increase the number of really valuable books, you will encourage literature, and you will improve the minds of the people." The House, then, was asked to legislate for the one case, not for the ninety-nine. From his experience, he was convinced that men were not generally anxious as to what might occur after they had ceased to exist. There was no doubt men were desirous to obtain a lasting reputation, but they wished to obtain the benefits and advantages of that reputation during their own lives. It might happen sometimes that a gentleman would say, " I will plant such a hill for the benefit of my youngest son; it is a sandy soil, firs will grow well upon it, and it may produce him a fortune." But, in such a case, was not the Gentleman aware that a plantation of that kind might furnish a cover for game? And did it not enter his calculations that, though his project might prove beneficial to his offspring, it would not prove unproductive of advantage to himself? Was there, he would ask, any paucity in the number of works produced in the present day? If they applied in Paternoster-row, or at Mr. Thomas Tegg's, in Cheapside, to whom he had alluded on a former occasion, they might obtain plenty of publications, and at a very reasonable rate. There were many authors who thought the public remarkably dull and stupid, and monstrously unjust, because they would not buy the sensible works which those authors had published. Now, he pitied such suffering authors; it was greatly to be deplored that they had so far miscalculated their own powers, or the taste of the public, as to have engaged in pursuits which had turned out so unprofitably. But could this be remedied by act of Parliament? Would they render the public anxious to purchase such works by giving the author an exclusive copyright for forty years. He could not forget what had been done in this country by men of science. The noble Lord (Lord Mahon) had forgotten such men; the hon. Baronet had forgotten them; Mr. Sergeant Talfourd had spoken of them as persons not deserving much consideration in that House. What was a book but an invention? A poet, according to the origin of the word, was a maker—a manufacturer. He would like to know why a distinction was made between the mere bookwright and the producer of other inventions? Look at Jenner, the discoverer of vaccination. Could they compare anything modern authors had done with that discovery? It had rescued hundreds of thousands of human beings from death, it had saved millions from distortion. But did the descendants of Jenner come to the House petitioning for reward in consequence of the discovery of their ancestor? He called upon the House to look at the other discoveries in medical science—in that profession to which he had the honour to belong, and to contemplate the benefits of which they had been productive to the public. Suppose that Jenner, after his discovery of vaccination, had operated, but had published no account of the discovery; suppose that another individual had printed in a book a description of that science, and had published it to the world; they would give to the publisher of that work an exclusive right to the advantages accruing from its sale for forty-two years, while to Dr. Jenner, the inventor, no protection was extended. He would direct their attention to the discovery of the circulation of the blood by Harvey. What had any authors done that could be compared with that discovery? If he were disposed to go into this subject, he might call upon the House to contemplate the discoveries of Hippocrates, Hunter, Sydenham, and many others, whose names had shed a lustre on their profession. The House was now called upon to legislate for the mere writer, the thrower together of letters, the recorder of facts; they were called upon to do honour to such a man, to grant him exclusive advantages, while such scientific men as he had named received no protection for their discoveries. The advantages conferred upon the human race by many of the discoveries in medical science were really enormous. Witness many of the operations performed upon the human body. He might mention the operation of cataract for blindness. An instrument had been devised by human ingenuity and research, which was carried absolutely into the globe of the eye, a lens was removed, an opaque body was discharged, and the sufferer again beheld the light of heaven. And yet the names of those who had produced such inventions were hardly known; in order to ascertain the originators of these great and masterly discoveries, it was necessary to look through pages and volumes of history. He asked them to contemplate the case of a man who, by falling from a height, fractured the mansion which enclosed his brain. He recollected one case of this nature which the House would excuse him for relating. A farmer fell from a cart containing a load of hay, and fractured his skull; he was taken home speechless, motionless, insensible, and to all appearance dead. His family, a wife and nine children, believed that every moment would terminate the sufferings of the unfortunate man. A surgeon with whom he was then residing was sent for, and attended. The surgeon found that there was a depression of the bones. He introduced an elevator, raised the bone which pressed upon the brain, and in less than five minutes the man was able to sit up in bed to receive the caresses of his wife and children. Who, then, was the inventor of the instrument which had in this case been used with such beneficial effect? He might say he was not unacquainted with the history of his profession, and yet he declared he did not know to whom the honour of that invention belonged. The profession of the men who had made these discoveries was not, like that of those engaged in literary avocations, one of pleasure, or unalloyed by danger. Where did they seek the information and experience which enabled them to confer these blessings on the human race? At the bedside of the sick, of the feverish, of the dying, of those afflicted with contagious diseases. Nay, after life had forsaken the patient, these men were compelled to pursue in the charnel-house those investigations which would enable them to acquire the information they needed. Did these men petition that House to implore its protection? No; they were glad to contribute the result of their investigations for the benefit of their fellow-creatures. It might happen now and then, that a sordid wretch arose, unmindful of his obligations to society—a creature anxious only to promote his own pecuniary interest,—told the world that he had some secret remedy for the cure of disease which he would not disclose. But how did the hon. and high-minded members of the profession regard such a man? They set him down as a dishonest, despicable quack, unworthy to associate with honourable men; they scouted him; they spurned him; they scoffed at him; they treated him with contempt; they would not acknowledge him as a legitimate member of the profession. But what, he would ask, was done with the quack in literature? with the man who called himself a poet, and who had got one idea, which he worked out through 500 pages? Such a man said, "I am a poet; I have published a book; I think it such an admirable production, that I consider the world should give a guinea for every copy; and I will apply to my friend Sergeant Talfourd to protect my publication by statute." This was the fact; he could prove it, if necessary. He had in his hand a specimen of poetry which it was his intention to read to the House. It was curious to see how dissatisfied authors were with the protection now afforded them. It was impossible to satisfy a disappointed author. In such a man the organ of love of approbation was very strongly developed, and the organ of self-esteem was also very large. He was very reluctant to quote the specimen of poetry he had mentioned; but if persons would pester the House with petitions and torture him for one, they must be content to take the consequences. The poetry he was about to quote was called exquisite poetry. A work had lately been published called the *Book of Poets*; it contained 1,000 pages, comprising selections from the most celebrated living poets; consequently the specimens it contained were gems. It was a curious fact, that so favourable was the existing law to the interests of authors, that one individual, twenty-eight pages of whose productions were copied into this book of 1,000 pages, had applied to the Court of Chancery for an injunction to restrain the sale of the volume, and had made a solemn affidavit that he believed the circumstance of twenty-eight pages of his poems having been printed in this book would injure the sale of his extended works. It might have been supposed, if the samples given in the book to which he had alluded, were good and interesting, they would have tended to promote the sale of the author's works; but the author himself thought he would be injured by their publication. The extracts he was about to read to the House were from the works of a very distinguished poet, Mr. Wordsworth. This course had been forced upon him. He had never done anything of the kind before; but surely, if hon. Gentlemen were anxious to give an extended protection to authors, they could not object to hear what were the kind of works which they proposed to protect. The first poem he would read was entitled *Louisa*:—

"I met Louisa in the shade,
And, having seen that lovely maid,
Why should I fear to say
That she is ruddy, fleet, and strong,
And down the rocks can leap along,
Like rivulets in May?

"And she hath smiles, to earth unknown,
Smiles that, with motion of their own,
Do spread, and sink, and rise,
That come and go, with endless play,
And, ever, as they pass away,
Are hidden in her eyes.

"She loves her sire, her cottage home,
Yet o'er the moorland will she roam
In weather rough and bleak;
And when, against the wind, she strains,
O, might I kiss the mountain rains
That sparkle on her cheek!

"Take all that's mine beneath the moon,
If I with her but half a noon
May sit beneath the walls
Of some old cave, or mossy nook,
When up she winds along the brook
To hunt the waterfalls."

This was a gem! He assured the House he did not read these extracts with any invidious purpose. No man entertained a higher respect for Mr. Wordsworth than he did; but if the House was prepared to give protection to works containing matter of that description, he did contend that men of science, who had conferred the highest blessings on the human race, had a strong claim on the Legislature, and some protection ought certainly to be bestowed upon them, The next poem he would read was addressed *To a Butterfly*:—

"I've watched you now a full half-hour,
Self-poised upon that yellow flower,
And, little butterfly! indeed
I know not if you sleep or feed.
How motionless!—Not frozen seas
More motionless! and then
What joy awaits you, when the breeze
Hath found you out among the trees,
And calls you forth again!

"This plot of orchard ground is ours;
My trees they are; my sister's flowers;
Here rest your wings when they are weary;
Here lodge, as in a sanctuary!
Come often to us, fear no wrong,
Sit near us on the bough!
We'll talk of sunshine and of song,
And summer days when we were young,
Sweet childish days, that were as long
As twenty days are now."

If they gave a poet an evening sky, dew, daises, roses, and a rivulet, he might make a very respectable poem. Why, anybody might do it. ["An hon. *Member* exclaimed, try it."] Try it! he had tried it. And there sat an hon. Gentleman, who was a poet of the first water. (The hon. Member for Pontefract). He thought, however, a member of society might employ his talents to much better advantage than in the composition of such productions as he had quoted. Who could not string such lines together by the bushel? He could write them by the mile. Here was another specimen:—*The Stock-Dove.*

"I heard a stock-dove sing or say
His homely tale, this very day;
His voice was buried among trees,
Yet to be come at by the breeze.
He did not cease, but coo'd and coo'd,
And somewhat pensively he woo'd,
He sang of love with quiet blending,
Slow to begin and never ending;
Of serious faith and inward glee,—
That was the song, the song for me."

Now, when authors such as these came to that House and asked for an extension of copyright, he in return asked the Members of that House in their sober and calm judgment, if they believed any act of Parliament they could frame would ever give to such authors a pecuniary advantage. But suppose they could give an author an advantage, ought they not to recollect that there was a public—that there was a people whom they were called upon to instruct, and would they give to an author the right of shutting up his ideas, and making his book a closed book to the people for forty or fifty years? What did common sense say? As soon as a thing was discovered, if it were calculated to benefit the people, it ought to be bestowed upon them, if it could be so without injury to the inventor. That was the principle on which they ought to act. But was that the principle on which they acted? They proposed to give a right to authors to publish their own books for forty-two years. Was that the case with regard to inventions? The inventor took out a patent for fourteen years, if his invention were one of great advantage to the public, and he were discontented with the profits he had made, he had the privilege of going before the Judicial Committee of the Privy Council, and asking for an extension of the patent, and if the Judicial Committee thought his request reasonable they could give an extension of seven years to his patent right. Why was not a similar principle adopted as to books. If the object were one of great intellectual exertion, what mattered it whether the individual impressed his mind upon papers or upon metals? In each case there was the same amount of intellectual labour; nay, in the exact sciences everybody knew there was much more intellectual labour and precision required than in writing such poetry as he had read; there must be niceness of calculation; no "poetic license" was allowed, but everything must be perfect in shape and form, and fit for examination by the world. And see the advantage bestowed by scientific men on the country. Mere literary works conferred no such benefits. And let it be remembered, that the men of the greatest literary attainments were not the men who came and asked for the interference of that House. Had the noble Lord communicated with Sir John Herschell on the subject? ["Viscount *Mahon:* No, I have not."] The name of Herschell was not insignificant in this country; it was a national name, it was known all over the globe. Take his celebrated work on astronomy and class it with your poetical works; did he say that literary men were not adequately rewarded? he was sorry to see the course the House was disposed to take on this question; he was convinced the proposed measure would be a great injury to the community. The people of this country required amusement and instruction. The gaols were filled with men who could not read and write; was this the way to improve the mass of the population—by giving to authors an exclusive right of publishing their own books, and, of course, at their own price; and everybody knew they did not make a very moderate estimate of their own attainments and productions. If the House would permit him, he would mention the price of some of the cheapest copyright books and their price after the copyright was expired. Hume and Smollett's *History of England,* at the cheapest copyright price, was published at 3*l.* 10*s.*; at the cheapest non-copyright price, it was published at 1*l.* 5*s.* Robertson's historical works were published, at the copyright price, at 3*l.* 4*s.*, afterwards at 1*l.*; Tytler's *Elements of History*, first published at 1*l.* 1*s.*, after the copyright expired, at 4*s.*; and so they went on. Scott's *Last Minstrel* was published, at the original copyright price, at 2*l.* 2*s.*, and it had been sold to the public in a neatly printed form at 1*s.* 6*d.* *Marmion,* first published at 1*l.* 11*s.* 6*d.*, had been sold to the public at 10*d.* *Gibbon's Rome*, published at 6*l.* 6*s.*, had been reduced to 18*s.*, the non-copyright price. Paley's works, published at 6*l.*, were now sold at 7*s.* 6*d.* Pope's works had been reduced from 8*l.* 14*s.*, the copyright price, to 9*s.* The *Spectator,* from 3*l.* 4*s.* to 10*s.* 6*d.*; and *Johnon's Dictionary,* from 3*l.* 3*s.* to 2*s.* 6*d.* Every person should be delighted at this. An allusion had been made to the distress of Dr. Johnson and to his great difficulties. There was no doubt that he was in difficulties; but he had laboured with great zeal and overcome them. But what was Dr. Johnson's opinion with regard to copyright? He himself had left his opinion. He said,

> "Were an author's right in his book to be perpetual, no book, however useful, could be universally diffused among mankind, should the proprietor take it into his head to restrain its circulation. For the good of the world, therefore, whatever individual work has once been created by an author, and issued out by him, should be understood as no longer in his power, but as belonging to the public; at the same time, the author is entitled to an adequate reward. This he should have by an exclusive right to his work for a considerable number of years."

They all admitted that. The author had now a copyright for twenty-eight years. Those who would disturb the law were called on to show the necessity of the change. It was for them to make out a case: they said, "Give us a change in the law, authors have not a sufficient encouragement." Indeed, he thought they had had ample encouragement of late years. He had already stated, that Sir Walter Scott received above 250,000*l.* for his works; no one grudged it nor would grudge it, if the amount were ten times as great. He should have rejoiced if Sir Walter Scott had never felt any pecuniary difficulties in the whole course of his life. But whence had his difficulties arisen? He was afraid it was from a desire of obtaining too much; because, if he had been contented with his rewards as a literary man, and had not entered into the speculation of becoming a bookseller, his difficulties would never have arisen. He would state some of the rewards which had been received by authors:—Pope, for his *Translation of the Iliad* alone, received 5,320*l.*; Lord Byron, though he died so early, received for his works 23,540*l.*; Sir J. Macintosh, for his *Fragments of English History*, 5,000*l.* He should think that this was pretty good payment. Dr. Lingard had received for his *History of England* 4,633*l.*; the rev. Messrs. Wilberforce, for the life of their father, 4,200*l.* One would suppose that it would have been a work of pleasure to the sons to write the life of their father without any reward. But there was a time when authors would write for fame, when they would be stimulated by the benefit they could confer on the human race: ay, and the works, the offspring of that emulation, were works which would never be surpassed by works stimulated by coin. Moore obtained for the *Life of Byron* 4,000*l.*, and 3,000 guineas for *Lalla Rookh*. Dr. Southey received for the *Life of Cowper* 1,000*l.* He did not know why authors should be discontented. He knew that in many respects the world was very dull and slow to appreciate literary merits. He had been an author, too, in a humble way; but he had never expressed dissatisfaction; he was afraid he had been looking to present rewards more than to posterity. Well; posterity must take care of itself, he would endeavour to take care of himself. He entreated the noble Lord even now to withdraw his bill. His own solemn conviction was, that it could only work mischief to the public, while it could not by possibility work any benefit. But if the House was prepared to enact a law for the special protection of literary men, of writers of history and of poetry, hon. Members must expect, that men of science would come and ask for protection too. They asked them to do so. They were, in fact, asking them to be selfish. They were saying to them, "We implore you to come to the House and solicit special protection; we have given that protection to authors; considering what are your deserts, we cannot deny that protection to you." Did they believe, under such a state of things, they could benefit the community? He deliberately put that question to the House; because it could not be expected that men of science would labour in their pursuits to the danger of their lives, and at the sacrifice of their property, and see a patent right given to literary men, while that House was prepared to withhold from them any similar protection. With these remarks he should conclude. He could assure the House, that he had not quoted those fragments of poetry to give pain to the author. He would be the first to advocate the rewarding of meritorious authors out of the public funds of the country; but if the House was prepared to interfere in favour of literary productions in the manner proposed, it would inflict the greatest injury on the country. As he knew that the bill would not be withdrawn, he should support the proposition of the right hon. Gentleman who had so eloquently advocated an additional period of fourteen years to the copyright, as the least of two evils in the propositions before the House. His own conviction was, that twenty-eight years was an ample protection for authors, and he was certain, that an additional protection could not operate to the advantage of the people.

Mr. *Milnes* could not hear the speech of the hon. Gentleman who had just sat down and not feel an earnest desire to protest against some parts of it, and, if possible, to refute others. Though that hon. Gentleman had been led by perhaps nothing worse than a light and flippant spirit into some remarks which he had made, he did think it necessary that a public protest should be made in that House against the manner in which the works of a great poet had been brought before it, a manner by which the Bible itself might be made equally obnoxious. So far from having the slightest bearing on this question, if the hon. Gentleman had chosen to read any poetry, and had read that with which he might be more familiar, the ballad of *Billy Taylor*, or *The Ratcatcher's Daughter*, it would have been quite as appropriate. He would not attempt to follow the hon. Gentleman through his very desultory and unargumentative speech. The question rather laid between the hon. Member for Edinburgh and his noble Friend who had brought forward the motion. The hon. Gentleman who had just sat down had talked of the act being urged for authors only, and that no attention had been paid to the public; yet the hon. Gentleman had not brought forward a single argument to show that the public were injured by the proposed extension of copyright. He had never succeeded in shewing that books would be made dearer by it. There never was a greater absurdity than to say, that books would be increased in price to any great degree by the extension of the copyright. The cheapest editions of books were all copyright editions. Whittaker's translations of foreign historians were all copyright editions, and as cheap as well-printed books could be. The whole question resolved itself into this,—both the public and authors had discovered that the only way to make their books sell was to publish them at a cheap rate; that if they published them cheaply, and were satisfied with small profits, they would make much more in the end than by publishing them at a dear rate. Where there was no copyright, great works often became scarce and got out of print. The works of Bacon and Hobbes were difficult to get, because it was nobody's interest to publish them. Few books continued to sell at their original price; nearly all copyright books a short time after their first publication might be had at a much cheaper rate. He wished that hon. Members who had any doubt on this subject would refer to a pamphlet entitled *A Plea for Perpetual Copyright*, by the hon. Member for Weymouth (Mr. Christie). There were men of science as distinguished as the hon. Member who had just sat down, who held a very different opinion on this question from the hon. Member for Finsbury. Sir David Brewster was of opinion, that it was the right of literary men to have a permanent property conferred on them in their works, and that science and literature were suffered to fall into decay for want of it. These were the sentiments of a man of real and profound science, who knew that any attempt to exalt science and depreciate literature must be vain. The hon. Member for Finsbury had spoken of a number of persons whom the House had seen coming before them with petitions on this subject as literary quacks. Among these were the names of Campbell, Miss Martineau, Fonblanque, Fox, Leigh Hunt, Carlyle, Dickens, Rogers, and Joanna Baillie. These were names of persons who had exalted their country and would ever be held in affectionate veneration; and these were the persons who were called literary quacks by the hon. Member for Finsbury; and that, too, at the very time when one of those distinguished persons (Mr. Dickens) was receiving from the Republicans of America such demonstrations of sympathy as perhaps never literary man received from a whole nation before this time; and yet this was just the time at which the hon. Member, with his republican bias, and with his love for America, came forward to call such men literary quacks. Now, as to the men of science who supported his noble Friend's views:—in the University of Edinburgh there were Professor Hope, professor of Chemistry; Mr. Christison, professor of materia medica; Mr. Trail, professor of the practice of medicine; Professors Hume, Anderson, and Abercromby. In the University of Glasgow, also, there were a number of medical and other professors favourable to the measure of his noble Friend. The hon. Gentleman had told the House of the adequate remuneration of men of literature, and had spoken as if the career of literary men was always one of prosperity; the hon. Gentleman had spoken as if those who worked with the head had not as much pain to go through, and as much disappointments, and difficulty, and sorrow to struggle with as those who worked with the hand. But when the hon. Gentleman spoke of Scott and the great gains he had made, he would ask the hon. Gentleman whether there were no instances of men making quite as large or even larger gains in his own profession? Let the hon. Gentleman show him the literary man who, in the present state of the law, could gain as much as a Sir Astley Cooper or a Sir Benjamin Brodie. In fact, it was perfectly absurd to single out such men as Scott or Byron, and say, that because they made great gains, therefore, that literature was a good profession, and did not require any protection from Parliament. On a question of this kind he was aware, that it was impossible to expect the House would bestow on it much attention, and he should only add a few remarks on the proposition of the right hon. Member for Edinburgh. In common with all those who felt an interest on this subject, he begged to thank his right hon. Friend for the spirit in which he had spoken, and which must have completely disappointed the expectations of those allies of his of last year who looked to have found in him a powerful supporter on the present occasion. After all, he thought there was no very wide line between the proposition of his noble Friend and that of the right hon. Gentleman; but, for his own part, as far as he had heard of the debate, he was in favour of the proposition of his noble Friend, because he thought that the limitation of forty-two years or the life meant, in the majority of the cases, the life and nothing beyond. If he was not mistaken, the best works of a great number of authors were published when they were between twenty and thirty-five; against the names cited by the right hon. Gentleman, he would set many writers of our own time, Byron, Rogers, Campbell, Dickens, Shelly, Keats, and others; therefore, by the operation of the right hon. Gentleman's plan, the authors would be left very much where they were now; and if an author went to sell his copyright under that plan, he did not think that he could get a shilling more for it than now. A bookseller would give no more for the extended time of the right hon. Gentleman's plan than he gave now. As far, therefore, as to the personal interests of authors themselves, the right hon. Gentleman conferred no boon whatever. What, then, would be the operation of his plan with respect to the family of the author? He must say, he thought that this point had not been put forward with sufficient prominence in this debate; but, in truth, the great evil which they were called upon to prevent was, authors leaving their families totally unprovided for. Certainly, the right hon. Gentleman offered a high premium for the celibacy of literary men, and if they were to have no friends and no one to leave the fruits of their labours to, no doubt the right hon. Gentleman's plan might be less objectionable. The hon. Member for Finsbury had accused his noble Friend of being led away by sentimental tales, but when the hon. Member talked of sentimental tales, he must have heard the tale of a man of the purest and highest life who was distinguished in many walks of literature, who was not only a poet, but a distinguished historian and a distinguished critic, and who had received from his country a great literary honour, such as literary honours were in this country—the hon. Member must have heard that this man was at present bereft of his great mind, and that his family were very dependent for their future comfort on the event of the debate of that night. Such was the pitiable condition in which this great and excellent man was left. He knew that it was sometimes objectionable to single out particular instances, and then to attempt to build general positions upon them; but he thought that as this was an instance of a striking and salient character, they ought to allow such a one to act in a certain degree on their opinions, and mould them accordingly; and when he mentioned such cases as those of Wordsworth and Southey, he must insist that those men were particular and signal instances of the defects of the present system. He had only now to congratulate the House on the general tone of the debate, with the exception of the remarks of the hon. Member for Finsbury; and to thank the right hon. Member for Edinburgh, for having given them so agreeable an alternative as voting either for him or for the noble Lord. He thought that the spirit in which that debate had been carried on would have a beneficial effect on the country, and do something to dispel the opinion that literature met with but very little regard in the House of Commons, and give reason to hope that although in this country literature was less honoured than in others, yet that we were now getting into the right way. The favour with which literature was practically regarded in this country might be appreciated from the fact, that a sum of money was raised annually for the support of decayed literary men of hardly the amount required to keep a pack of hounds. The law of France was somewhat different, and to that he and his hon. Friends wished to approximate here. But the French government, not content with the present state of their law, wished to extend the term of copyright, and they had introduced a plan with that object, which had passed one Chamber, and was only rejected in the other by a small majority. Now, in France this respect for literary men worked well. It produced harmony between literary and political life. The historian of the *Civilization of Europe* was the Prime Minister of France; the historian of the Revolution was leader of the Opposition; the historian of the wars of the Fronde was Ambassador to the Court of St. James; the historian of the Dukes of Burgundy was Ambassador at St. Petersburgh. He must repeat that the tone taken by the right hon. Member for Edinburgh, was matter of great congratulation to the House and to the country, and he hoped, that if he voted with his noble Friend the right hon. Gentleman would not take it ill, but would believe that it was a friendly competition between the two parties, and, whichever conquered, no doubt the result would be most beneficial to the country.

Clause 1, and 2, agreed to.

The third clause being put as follows:—

"And be it enacted, that the copyright in every book which shall, after the passing of this act, be published in the lifetime of its author, shall endure for the natural life of such author, and for the further term of twenty-five years, commencing at the time of his death, and shall be the property of such author and his assigns: provided always, that in no case shall the whole term be less than twenty-eight years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of thirty years from the first publication thereof, and shall be the property of the proprietor of the manuscript from which such book shall be first published, and his assigns."

Mr. *Macaulay* said, it was here that he wished to propose his amendment. Before doing so, he need hardly tell the House that he did not by any means concur in the views stated by the hon. Member for Finsbury. He should not have felt himself justified in making reference to the works of a man of genius in the spirit of that hon. Gentleman. He entertained a more proper respect for genius, and for the venerable persons of whom the hon. Member had allowed certain disrespectful expressions to escape him. He would not detain the House with any further exposition of his amendment, but he really must say, that having listened with attention to what had fallen from hon. Gentlemen on the other side, he had not heard any refutation of the arguments he had used. He had not heard any arguments showing that what he proposed was a smaller boon than what his noble Friend proposed. The right hon. Gentleman concluded by moving an amendment to the effect "that the copyright of every book should endure for the terms of forty-two years, or for the natural life of the author."

Lord *Mahon* said, that he was desirous of stating briefly the reasons which induced him to prefer the clause as it stood, to the amendment of it proposed by his right hon. Friend; but in the first place, he must say, that he had listened with almost unmingled pleasure to the speech of the right hon. Gentleman, and, though they differed as to the details, he was glad to find that on the main principle—that of giving encouragement to literature, they were now entirely agreed. As to the proposal of the right hon. Gentleman, he did not think that the boon of forty-two years would, according to his statement, afford protection in all cases to the best works; it would not, in his opinion, be found as universal a protection for them as the right hon. Gentleman expected. If that was the general rule it was at least a rule subject to many exceptions. Let them take almost the first name quoted by the right hon. Gentleman, that of Madame D'Arblay; *Evelina* was her first work, and certainly her best, or, as some people ventured to think, her only good one; and under the bill protection would have been given to *Evelina* for twenty-five years after Madame D'Arblay's death; but looking to the period of that death, and taking the clause as proposed by the right hon. Gentleman, *Evelina* would have had no protection whatever. Again, the works published by Lord Byron in the two last years of his life were certainly of very inferior literary merit; he would allege for instance *The Deformed Transformed*, which was published in the last year of his life. Now the proposal of the right hon. Gentleman would give to that worthless production a copyright after Lord Byron's death of forty-one years, while the bill would only give twenty-five. Another example might be given of an eminent foreign writer, Jean Jacques Rousseau. His latest work, the *Reveries d'un Promeneur Solitaire,* was probably his worst, or at all events a very bad one, yet to that work the amendment of the right hon. Gentleman would give a protection after Rousseau's death of not less than forty years. But on the other hand, when we come to Rousseau's most celebrated production to his *Emile,* which was published about 1760, which Rousseau survived till 1778, then the protection which the right hon. Gentleman would give extended only till 1802, while his own (Lord Mahon's) would continue till 1803. Therefore it was no invariable rule as stated by the right hon. Gentleman that his amendment would give most protection to works of most merit. But if even it were, what was the value of that principle in practice? The right hon. Gentleman had laid great stress on the case of Dryden's early plays, and of the enormous term of protection which they would receive under the bill as it stood. But that protection was merely nominal since no one sought for those early plays separately and by themselves, but valued them only as part of Dryden's collected works. And this led him (Lord Mahon) to a main objection against the proposal of the right hon. Gentleman that it was hostile to complete editions. For instance, let them take the case of Milton; his *Comus* would have been free from copyright under the right hon. Gentleman's clause, much sooner than the *Paradise Lost*." But all those who admired *Comus* would wish still more to possess *Paradise Lost*, and therefore an edition comprising both would still be preferred. Works of this sort came out slowly and by degrees, and if the copyright of the different works of the same author was made to determine at different periods, the tendency must be, to prevent the publication of complete editions. Upon the whole, he was inclined to think that twenty-five years from the death of the author would meet the justice of the case. They were agreed as to the main object of enabling men of literary merit in the decline of life to make, or hope that they had made, some provision for their families. He fully admitted, however, that great benefit would be derived even from the proposal of the right hon. Gentleman, and so unwilling was he to have him as an opponent, that if he were prepared to adopt, with his term of forty-two years, a diminished term after life, he would willingly accede to such a proposal.

Sir *R. Peel* did not wish to give a vote without stating generally the opinion to which he had come upon the arguments he had heard upon the subject. He had always felt great doubts upon it. He had not hitherto given a vote upon the question, but had resolved to listen with great impartiality to the arguments on both sides, and then to form his own conclusion upon those arguments. His impression hitherto had been, that with respect to the vast majority of cases, the existing protection was sufficient. There might be cases with regard to works of authors in which some additional protection for literature might be necessary. He had always listened with favour to that suggestion which proposed that in special cases exceptions might be made; and that in the case of great and distinguished men, where a peculiar hardship might arise if the term of the copyright were not extended, some public authority should have the power to extend it. Taking that view of the case, he had moved for a return of the cases in which the Privy Council had extended patent rights. As there appeared to be a tolerably general acquiescence as to the principle upon which the House ought to proceed, and that there ought to be some legislative measure on the subject, he should not press the views upon which he had hitherto felt inclined to act. Having heard the speeches of his noble Friend and of the right hon. Gentleman (Mr. Macaulay), he thought the argument of the right hon. Gentleman as to a preference to be given to a certain period of forty-two years, or the life of the author, was an argument which carried conviction with it. The later works of an author were usually superior to his earlier productions, as the right hon. Gentleman (Mr. Macaulay) had established by reference only to the two names of Dryden and Pope; it was in the later works, that the public had most interest. At the same time he admitted the weight of the argument founded upon the necessity for an author to provide for his family after death, and on this account he should be glad, if possible, to combine the two propositions, and besides the forty-two years of the amendment to give an author's family a right for seven years after his death. If, however, the question were only between the proposition of his noble Friend and the amendment of the right hon. Gentleman, he must vote for the latter.

Mr. *Macaulay* could not consent to adopt the suggestion of the right hon Baronet, and thought that the arguments he had advanced all bore against granting an additional term at the end of life. Neither did he feel (what the right hon. Baronet had felt) the weight of the argument founded upon the provision for the family of an author. In forty-two years an author might be able to make a saving for his family, and to give a term afterwards could only apply to some great standard work in which the public would have a deep interest. Having the enjoyment of a valuable right for so many years, a prudent man ought to be able to make some provision for his children, and to give a term after death was rather offering an encouragement to expenditure. Already the disposition of literary men might be considered somewhat too inconsiderate of the future, but the course suggested by the right hon. Baronet would render them even more careless than at present. With any regard to his own convictions, he could not, therefore, consent to the alteration proposed.

Mr. *Williams Wynn* would not enter into any controversy respecting the merits of a distinguished, respected, and venerable living poet. Allowing the lines quoted to be as bad as the hon. Member for Finsbury contended that they were, it could have no bearing on the question; the object was to provide better for the writers of good poetry and of good books —books of a permanent character. The hon. Member for Finsbury had complained that authors now looked to money, whereas they formerly looked to fame. He did not know the time when "empty praise" was sought without some regard to "solid pudding." All authors must look for remuneration, and if in a former day they were more disinterested, it ought to be recollected that the circumstances of the times were now different. The rewards of authorship in the reign of Elizabeth, for instance, were of a different kind; no doubt authors wrote then, as now, for money, but they were also remunerated in other ways, and the instances were not unfrequent where poets had obtained public employments. Spenser was not twenty when he was first engaged in the service of the State, and other poets, not of equal, but still of great distinction, had also been selected for public reward. Shakspeare, to be sure, had derived his emoluments from other sources. It was, however, probable that he never received a shilling from a bookseller for any of his plays. On the contrary, he would have given publishers money not to print his popular works, because the printing of them lessened his profits at the theatre. Yet profits, and large profits too, there was no doubt that he did obtain. Shakspeare, therefore wrote for money, though it was not money paid in the usual way in which authors in our day were remunerated. Say what you will about fame — "that last infirmity of noble minds"— and its influence upon authors, nobody could dispute that the desire to procure pecuniary emolument had been the incentive with many great authors to produce their most valuable works. Look at the case of Dr. Johnson: why did he undertake the *Lives of the Poets*, a work of the highest rank in its class, yet with notorious and glaring defects? He undertook the work because a bookseller came to him and offered him a large sum of money for writing it. With regard to the two proposals, that of his noble Friend and the amendment of the right hon. Gentleman, he was happy to see so strong a disposition on the part of the House to combine both. He hoped that this course would be taken, and that an additional motive would thus be given for the production of works "which the world would not willingly let die." On books that were merely worthless, and meant only for the day, the measure could have no effect; they would still be written, still be bought, and still in a short time handed over to the trunkmaker, or the cheesemonger: to them such a bill as this would be (as a friend of his had well illustrated it) like a license to sell mackarel after it had ceased to be fit for human food. He hoped that the conclusion of this discussion would be the uniting of the two propositions before the committee, and that each party would be willing to concede something, where so much might be gained by concession.

Lord *John Russell* wished to explain, in a few words, why he should vote for the proposal of the noble Viscount, and against the amendment of his right hon. Friend. The general feeling of the committee seemed all one way, with the exception of the hon. Member for Finsbury, and whether one course were adopted or the other, either way a considerable benefit would be conferred upon literature. As he had said, in principle he concurred most with the noble Lord, and the argument which had carried conviction to the mind of the right hon. Baronet (Sir R. Peel) had failed to produce the same effect upon his mind. He had no doubt of the correctness of the facts, and that, looking at the literature of this and of other countries, men's greatest works would be found to have been produced late in life. On that point the position of his right hon. Friend was unassailable; but though the statement might be true, it did not follow that it was a sufficient ground for legislation: on the contrary, it seemed to him rather too refined a ground—it was too refined for Parliament to say, as a reason for legislating for the extension of copyright, that it appeared to it that most authors had written their greatest works late in life. It seemed to him much better to proceed upon the simple principle of giving a copyright for twenty-five or twenty-eight years after the publication of an author's work. At the same time, he much lamented that there should be any division of opinion, and he wished that his right hon. Friend would give way, and consent to the small concession of seven years after the death of an author. The cases would, no doubt, be rare where it would be any boon; it could only apply to works of the highest merit, the author of which had lived forty-two years beyond the date of original publication. If the noble Lord consented to the forty-two years, he thought that his right hon. Friend might, in return, concede as regarded the seven years.

Mr. *Macaulay* was aware that he could not hope to carry his amendment against the expressed sentiments of Members so important; but he had already gone far to come into the views of his noble Friend, and he felt that he ought not to go farther. He thought that forty-two years, and seven years after death, a greater boon than merely twenty-five after death; but as he could not agree to the seven years, he must unwillingly divide the committee. If the decision were against him, he had no disposition vexatiously to obstruct the progress of the measure, and would do what he could in committee to make it unobjectionable.

Sir *R. Peel* repeated, that he should divide in favour of the amendment.

Lord *Mahon* said, that if the amendment were carried, he should propose the addition of seven years after death.

Mr. *Aglionby* reminded the House, that there was a third party, at the head of which was the hon. Member for Finsbury, who thought, that for the sake of the public nothing should be done. Such was his opinion also, and as he looked upon the amendment as the least evil of the two, he should vote for it.

The committee divided on the question that, the words "for the further term of twenty-five years" stand part of the clause:—Ayes 56; Noes 68;—Majority 12.

List of the Ayes.

Acton, Col.
Allix, J. P.
Arbuthnott, hon. H.
Bell, J.
Blackstone, W. S.
Botfield, B.
Broadwood, H.
Browne, R. D.
Browne, hon. W.
Buckley, E.
Darby, G.
Dick, Q.
Dickinson, F. H.
D'Israeli, B.
Egerton, Lord F.
Estcourt, T. G. B.
Fielden, J.
Ferrand, W. B.
Forbes, W.
Fox, C. R.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Goring, C.
Grogan, E.
Hamilton, W. J.
Hayes, Sir E.
Heneage, G. H. W.
Howard, hn. C. W. G.
Jolliffe, Sir W. G. H.
Law, hon. C. E.
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Manners, Lord J.
Marsham, Visct.
Milnes, R. M.
Napier, Sir C.
O'Brien, A. S.
Palmer, R.
Pechell, Capt.
Praed, W. T.
Protheroe, E.
Round, C. G.
Russell, Lord J.
Russell, C.
Ryder, hon. G. D.
Stanton, W. H.
Sutton, hon. H. M.
Trotter, J.
Turner, E.
Vane, Lord H.
Vere, Sir C. B.
Vyvyan, Sir R. R.
Waddington, H. S.
Walsh, Sir J. B.
Wynn, rt. hn. C. W. W.

TELLERS.

Mahon, Visct.
Inglis, Sir R. H.

List of the Noes.

Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Baskerville, T. B. M.
Berkeley, hon. C.
Bowring, Dr.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Campbell, A.
Christie, W. D.
Clements, Visct.
Clerk, Sir G.
Cobden, R.
Duke, Sir J.
Duncan, G.
Easthope, Sir J.
Escott, B.
Fitzroy, Capt.
Forster, M.
Gill, T.
Graham, rt. hn. Sir J.
Greenall, P.
Grosvenor, Lord R.
Hardinge, rt. hn. Sir H.
Hardy, J.
Harris, J. Q.
Heathcoat, J.
Henley, J. W.
Howard, hn. E. G. G.
Johnson, W. G.
Knatchbull, right hon. Sir E.
Leader, J. T.
Lindsay, H. H.
Listowel, Earl of
Mainwaring, T.
Masterman, J.
Mitcalfe, H.
Mitchell, T. A.
Morison, General
O'Brien, W. S.
O'Connell, M. J.
Ogle, S. C. H.
Peel, rt. hon. Sir R.
Philips, M.
Pigot, rt. hon. D.
Plumptre, J. P.
Pollock, Sir F.
Power, J.
Rashleigh, W.
Rawdon, Col.
Reade, W. M.
Rous, hon. Capt.
Scholefield, J.
Scott, R.
Smith, B.
Stanley, Lord
Strutt, E.
Tancred, H. W.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Williams, W.
Wilshere, W.
Wood, B.
Wood, G. W.

TELLERS.

Macaulay, rt. hn. T. B.
Evans, W.

Words rejected.

Lord *Mahon* moved to insert in the clause the words, "and for the further term of seven years, commencing at the time of the author's death."

Mr. *Macaulay* could not consent to the proposal, and should again divide.

The committee divided on the question, that the words be added:—Ayes 91; Noes 33;—Majority 58.

List of the Ayes.

Acton, Col.
Adare, Visct.
Ainsworth, P.
Allix, J. P.
Arbuthnott, hon. H.
Baskerville, T. B. M.
Bell, J.
Blackstone, W. S.
Botfield, B.
Broadley, H.

Broadwood, H.
Browne, R. D.
Browne, hon. W.
Buckley, E.
Campbell, A.
Clerk, Sir G.
Coote, Sir C. H.
Darby, G.
Dickinson, F. H.
Egerton, Lord F.
Estcourt, T. G. B.
Fielden, J.
Ferrand, W. B.
Fitzroy, Capt.
Forbes, W.
Fox, C. R.
Fremantle, Sir T.
Fuller, A. E.
Gill, T.
Gladstone, rt.hn.W.E.
Goring, C.
Graham, rt. hn. Sir J.
Greenall, P.
Grogan, E.
Hamilton, W. J.
Hardinge, rt.hn.SirH.
Hardy, J.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hillsborough, Earl of
Howard, hn. C.W. G.
Howard, hn. E. G. G.
Johnson, W. G.
Jolliffe, Sir W. G. H.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Mackenzie, W. F.
Mainwaring, T.

Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Masterman, J.
Milnes, R. M.
Mitcalfe, H.
O'Brien, A. S.
O'Brien, W. S.
O'Connell, M. J.
Ogle, S. C. H.
Palmer, R.
Pechell, Capt.
Peel, rt. hon. Sir R.
Pigot, rt. hon. D.
Plumptre, J. P.
Pollock, Sir F.
Power, J.
Praed, W. T.
Protheroe, E.
Rashleigh, W.
Reade, W. M.
Rose, rt. hon. Sir G.
Round, C. G.
Rous, hon. Capt.
Russell, Lord J.
Russell, C.
Scholefield, J.
Stanley, Lord
Stanton, W. H.
Sutton, hon. H. M.
Tancred, H. W.
Trotter, J.
Vane, Lord H.
Vere, Sir C. B.
Vyvyan, Sir R. R.
Waddington, H. S.
Walsh, Sir J. B.
Wilshere, W.
Wodehouse, E.
Wynn, rt. hn.C.W.W.

TELLERS.

Mahon, Visct.
Inglis, Sir R. H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Berkeley, hon. C.
Bowring, Dr.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Busfeild, W.
Christie, W. D.
Clements, Visct.
Duke, Sir J.
Duncan, G.
Easthope, Sir J.
Escott, B.
Forster, M.
Grosvenor, Lord R.
Harris, J. Q.
Heathcoat, J.

Leader, J. T.
Listowel, Earl of
Mitchell, T. A.
Morison, General
Philips, M.
Rawdon, Col.
Smith, B.
Strutt, E.
Thornely, T.
Turner, E.
Villiers, hon. C.
Wakley, T.
Williams, W.
Wood, B.
Wood, G. W.

TELLERS.

Macaulay, rt.hn. T. B.
Evans, W.

Mr. *Macaulay* moved, to leave out "twenty-eight years," in order to insert "forty-two years," instead thereof.

Mr. *Aglionby* objected to such a change, as being worse for the public than the original proposition.

Mr. *Macaulay* thought it better to give a term of forty-two years certain.

The committee divided on the question, "That the words twenty-eight years stand part of the clause:"—Ayes 22, Noes 101; Majority 79.

List of the AYES.

Berkeley, hn. C.
Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Duke, Sir J.
Duncan, G.
Eatshope, Sir J.
Escott, B.
Evans, W.
Forster, M.
Harris, J. Q.
Leader, J. T.

Mitchell, T. A.
O'Brien, W. S.
Philips, M.
Smith, B.
Strutt, E.
Thorneley, T.
Villiers, hn. C.
Williams, W.
Wood, B.

TELLERS.

Aglionby, H.
Wakley, T.

List of the NOES.

Acton, Col.
Adare, Visc.
Ainsworth, P.
Aldam, W.
Allix, J. P.
Baskerville, T. B. M.
Beckett, W.
Botfield, B.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Browne, hon. W.
Buckley, E.
Campbell, A.
Christie, W. D.
Clements, Visc.
Clerk, Sir G.
Crosse, T. B.
Currie, R.
Darby, G.
Dickinson, F. H.
Egerton, Lord F.
Eliot, Lord
Estcourt, T. G. B.
Farnham, E. B.
Fielden, J.
Fitzroy, Captain
Forbes, W.
Fox, C. R.
Fremantle, Sir T.
Fuller, A. E.
Gill, T.
Gladstone, rt. hn. W. E.
Gore, hon. R.
Goring, C.
Graham, rt. hn. Sir J.
Greenall, P.
Grogan, E.

Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Herbert, hon. S.
Howard, hn. C. W. G.
Howard, hn. E. G. G.
Johnson, W. G.
Johnstone, H.
Jolliffe, Sir W. G. H.
Knatchbull, rt. hn. Sir E.
Law, hon. C. E.
Lincoln, Earl of
Lindsay, H. H.
Listowel, Earl of
Lockhart, W.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Manners, Lord C. S.
Marsham, Visct.
Masterman, J.
Milnes, R. M.
Mitcalfe, H.
Morison, General
O'Connell, M. J.
Ogle, S. C. H.
Palmer, R.
Peel, rt. hn. Sir R.
Peel, J.
Pigot, rt. hon. D.
Plumptre, J. P.
Pollock, Sir F.
Power, J.
Praed, W. T.
Protheroe, E.
Rashleigh, W.

Reade, W. M.
Reid Sir J. R.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Russell, Lord J.
Russell, C.
Ryder, hon. G. D.
Stanley, Lord
Stanton, W. H.
Sutton, hon. H. M.
Tancred, H. W.
Trotter, J.
Turner, E.
Vane, Lord H.
Vere, Sir C. B.
Waddington, H. S.
Walsh, Sir J. B.
Wilshere, W.
Wodehouse, E.
Wood, Col. T.
Wood, G. W.
Worsley, Lord
Wortley, hon. J. S.
Wynn, rt. hn. C. W. W.

TELLERS.
Mahon, Visct.
Inglis, Sir R. H.

The words "forty-two years" were inserted.

On the question that the clause as amended stand part of the bill,

Mr. *Wakley* thought the clause so objectionable and so unfavourable to the public, without benefitting the author, that he must divide against it.

The committee again divided—Ayes 96, Noes 17; Majority 79.

List of the AYES.

Acton, Col.
Adare, Visct.
Adderley, C. B.
Aldam, W.
Baring, hon. W. B.
Baskerville, T. B. M.
Beckett, W.
Boldero, H. G.
Botfield, B.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Buckley, E.
Busfeild, W.
Campbell, A.
Christie, W. D.
Clerk, Sir G.
Colborne, hn. W. N. R.
Crosse, T. B.
Darby, G.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Eaton, R. J.
Egerton, Lord F.
Eliot, Lord
Estcourt, T. G. B.
Farnham, E. B.
Fielden, J.
Fitzroy, Capt.
Fleming, J. W.
Forbes, W.
Fox, C. R.
Fremantle, Sir T.
Fuller, A. E.
Gill, T.
Gladstone, rt. hn. W. E.
Gore, hon. R.
Goring, C.
Graham, rt. hn. Sir J.
Grimston, Visct.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Herbert, hon. S.
Howard, hn. C. W. G.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Jolliffe, Sir W. G. H.
Knatchbull, right hon. Sir E.
Law, hon. C. E.
Lincoln, Earl of
Lindsay, H. H.
Listowel, Earl of
Lockhart, W.
Mackenzie, W. F.
M'Geachy, F. A.
Mainwaring, T.
Marsham, Visct.
Milnes, R. M.
Morison, General
Newry, Visct.
O'Brien, A. S.
O'Connell, M. J.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, rt. hon. D.
Plumptre, J. P.
Rashleigh, W.

Reade, W. M.
Reid, Sir J. R.
Repton, G. W. J.
Rose, rt. hon. Sir G.
Rous, hon. Capt.
Russell, C.
Ryder, hon. G. D.
Stanley, Lord
Stanton, W. H.
Stuart, H.
Sutton, hon. H. M.
Tancred, H. W.
Vane, Lord H.
Vere, Sir C. B.
Waddington. H. S.
Walsh, Sir J. B.
Wilshere, W.
Wood, Col. T.
Wortley, hon J. S.
Wynn, rt. hn. C. W. W.

TELLERS.
Mahon, Visct.
Inglis, Sir R. H.

List of the NOES.

Berkeley, hon. C.
Blake, Sir V.
Bowring, Dr.
Brotherton, J.
Clements, Visct.
Duncan, G.
Easthope, Sir J.
Evans, W.
Forster, M.
Harris, J. Q.
Leader, J. T.
Mitchell, T. A.
Smith, B.
Strutt, E.
Thornely, T.
Villiers, hon. C.
Williams, W.

TELLERS.
Aglionby, H.
Wakley, T.

Mr. *Wakley* thought the clause so objectionable, that it ought to be omitted.

On the fourth clause (in cases of subsisting copyright, the extended term to be enjoyed, except when it shall belong to an assignee for other consideration than natural love and affection; in which case it shall cease at the expiration of the present term, unless its extension shall be agreed to between the proprietor and author).

The committee divided on the question, "That the clause, as amended, stand part of the bill:"—Ayes 69, Noes 26; Majority 43.

List of the AYES.

Acton, Col.
Adare, Visct.
Adderley, C. B.
Baring, hon. W. B.
Barrington, Visct.
Baskerville, T. B. M.
Bell, J.
Boldero, H. G.
Botfield, B.
Broadley, H.
Broadwood, H.
Browne, hon. W.
Christie, W. D.
Clerk, Sir G.
Colville, C. R.
Darby, G.
Dawnay, hon. W. H.
Dickinson, F. H.
Douglas, Sir C. E.
Eliot, Lord
Estcourt, T. G. B.
Fielden, J.
Fitzroy, Capt.
Fleming, J. W.
Forbes, W.
Fremantle, Sir T.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Goring, C.
Graham, rt. hon. Sir J.
Grogan, E.
Hamilton, W. J.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Henley, J. W.
Herbert, hon. S.
Howard, hon. C. W. G.
Jermyn, Earl
Jocelyn, Visct.
Johnson, W. G.
Johnstone, H.
Jolliffe, Sir W. G. H.
Knatchbull, rt. hon. Sir E.
Law, hon. C. E.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Macaulay, rt. hn T. B.
Mackenzie, W. F.

M'Geachy, F. A.
Marsham, Visct.
Milnes, R. M.
Newry, Visct.
O'Brien, A. S.
O'Connell, M. J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pigot, rt. hon. D.
Pollock, Sir F.
Rashleigh, W.
Rous, hon. Capt.
Russell, C.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Trotter, J.
Vere, Sir C. B.
Wood, G. W.
Wortley, hn. J. S.

TELLERS.
Mahon, Visct.
Inglis, Sir R. H.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Clements, Visct.
Duncan, G.
Evans, W.
Fox, C. R.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Leader, J. T.
Listowel, Earl of
Mitchell, T. A.
O'Brien, C.
Palmer, G.
Pechell, Captain
Power, J.
Scholefield, J.
Smith, B.
Somers, J. P.
Strutt, E.
Thornely, T.
Villiers, hon. C.
Williams, W.
Wood, B.

TELLERS.
Hardy, J.
Wakley, T.

The clauses to 14 were put and agreed to.

House resumed.

Chairman reported progress, committee to sit again.

PUBLIC HOUSES BILL.] On the Order of the Day for the second reading of the Public Houses Bill,

Sir *James Graham* said, that he had to request the hon. and gallant Member for Westminster, to postpone the further progress of this bill for a few days, and, in doing so, he could assure the gallant Officer that he believed that by a postponement, such an arrangement might be made as would be satisfactory to all parties.

Captain *Rous* observed, that under the circumstances he would willingly postpone the bill; but he would then give notice that he should bring it forward that day fortnight,

Bill postponed.

CORN IMPORTATION BILL.] On the motion of Sir Robert Peel, that the Corn Importation Bill be reported,

Mr. *M. Gibson* remarked that, as he believed that this bill was only a step to further and more extensive changes in the Corn-laws, and believing, as he did, that before long it would become absolutely necessary to introduce another bill for making these alterations, he would suggest to the right hon. Baronet the propriety of introducing a clause for limiting its duration to one year; so that the subject would again come under the revision of Parliament, when it would have to decide whether the system should be continued or not. He was more confident in asking this, because he was convinced that this bill would only excite hopes which would be disappointed. He also recollected what occurred when the last Corn-bill was before Parliament, when the credulity of the farmers was acted upon in such a way as to induce them to believe that the continuance of that measure would be of a considerably longer duration than it would be. As the manufacturers also of this country had most gloomy prospects before them, and as trade was in a most despondent state, he thought that it would be desirable that a fixed period should be named for the revision of the matter.

Sir *R. Peel* observed that, after the courteous manner in which the hon. Gentleman had appealed to him, he felt bound at once to state that he could not assent to his suggestion. The hon. Gentleman seemed to intimate that inconvenience might arise from a feeling of uncertainty as to the duration of the proposed law, but he would suggest that by introducing a clause limiting the duration of the bill for one year, all the evils of uncertainty would be occasioned, and, at the same time, a pretty general opinion would prevail that the bill would be repealed or materially altered in the course of the next year; for his own part, however, he was confident that this would not be the case, nor would any necessity for such a rapid change arise. Under these circumstances, he could not assent to the suggestion of the hon. Gentleman. He regretted deeply the state of trade alluded to by the hon. Member, and, above all, that it should be so much depressed at a period of the year when they had every reason to hope for a better state of things; but he attributed much of this to the circumstance that the country wished to know what was the determination of Parliament as to the Corn-law and the tariff. He, therefore, would recommend the House to sanction both with as little delay as possible.

Dr. *Bowring* would suggest, that if the right hon. Baronet would not listen to the suggestion of the hon. Member for Manchester, that he would undertake to take this bill into his consideration next year.

Sir *R. Peel:* If on the measure being brought into operation, the hon. Member was dissatisfied with the result, it would be open to him or any other hon. Gentleman to move for its repeal.

Report brought up and agreed to. Bill to be a third time.

Timber Ships.] On the motion of Mr. Gladstone, it was resolved, that the House will immediately resolve itself into a committee of the whole House to consider of a resolution for preventing ships clearing out from any port in British North America, or in the settlement of Honduras from loading any part of their cargo of timber upon deck.

House in committee.

Mr. *Gladstone* proposed, that the chairman be directed to move for leave to bring in a bill, on the terms of the resolution. The right hon. Gentleman stated, that the present bill on this subject would expire on the last day of this month, and as it had worked most beneficially, he trusted that the committee would agree to the resolution, and allow it to be reported, so that a bill founded on it might be introduced without delay.

Resolution agreed to. House resumed, resolution reported, a bill founded on it ordered to be brought in.

Bill read a first time.

House adjourned.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME LXI.

BEING THE SECOND VOLUME OF SESSION 1842.

☞ *The (*) indicates that no Debate took place upon that Reading.*

ABERDEEN, Earl of
  Algiers, Possession of, 122
  Ambassador, The French, 411
  Spain, Invasion of, 5;—The French Ambassador, 502

Aberdeen, Earl of—The French Ambassador, l. 410

Aberdeenshire Roads, c. 1R.* 755

Absence of a Member see *Election Petition*

Acland, Sir T. D.
  Income-Tax, Com. 1024

Address to the Crown see *Opium*

Adjournment—The Easter Recess, l. 930; *c.* 1108, 1113

Admiralty, The late, l. 125

Affirmation—Baptists, l. 1R. 418 see *Oaths*

Africa see *West-Indies*

Aglionby, Mr. H. A.
  Copyright, Re-com. *cl.* 3, 1397, 1400
  Corn Importation, Com. *cl.* 29, 1315, 1316; *cl.* 9, 1322; *cl.* 18, 1323, 1324, 1325.

Algiers, Possession of, l. 121; *c.* 137

Ambassador, The French see *Aberdeen—Spain*

Anglo-Portuguese Legion, c. 598

Anti-Corn-Law Conference, c. 833

Apprentice Act Amendment, l. 2R.* 202; Rep.* 409, 418; 3R.* 501; Royal Assent, 1109

Arbroath Railway see *Dundee*

Ardrossan Harbour, c. 1R.* 584; 2R.* 1219

Argyll Roads, c. 1R.* 837

Army Estimates, c. 155; Amend. [A. 12, N. 144, M. 132], 178; 2nd Amend. [*o. q.* A. 133, N. 17, M. 116], 179

Army in India, c. 758

Ashby-de-la-Zouch and Leicester Road, c. 3R.* 419; *l.* 1R.* 501

Ashley, Lord
  Lunatic County Asylums, Inspection of, Leave, 806
  Marriage Law, Leave, 707

Ashton-under-Lyne Railway see *Sheffield*

Attorney-General, The, (Sir F. Pollock)
  Exchequer Bills, Forged, Rep. *cl.* 5, 1236

Attwood, Mr. M.
  Coals, Export of, 834, 835
  Exchequer Bills, Forged; Rep. *add. cl.* 1250
  Income-Tax, Com. 1156

Australia and New Zealand, c. 1R.* 1027

——, *South* see *South Australia*

Ayr Railway see *Glasgow*

Bagshawe, Mr. see *Salford Gaol*

Bank see *Imperial*

Bankes, Mr. G.
  Magistracy of Dorsetshire—Quarter Sessions, 1029
  Special Petty Sessions, Leave, 299; 1R. 605, 606, 607

Banking, c. 138

Bankrupt Law Amendment, l. 120; 1R. 509

Bannbridge Road see *Dundalk*

Baptists' Affirmation see *Affirmation*

Barclay, Mr. D.
  Corn Importation, Com. *cl.* 9 Amend. 1297; *add. cl.* 1338

- Baring, Rt. Hon. F. T.
  - Exchequer Bills, Forgery of, Rep, *add. cl.* 1249
  - Financial Statement, 485
  - Income-Tax—Machinery, 594, 597; Com. 840, 864. 974
  - Loan Acts, 500
  - Navy Estimates, 109
- *Barnesley Small Debts*, c. 1R.* 1110
- *Barracks*, c. 1348
- Barrington, Viscount
  - Southwark Improvements (No.2), Rep. 1291
- *Barristers (Ireland)*, c. Leave, 1294; 1R.* 1295
- *Bedford's, Duke of, Estate*, c. 2R.* 41; 3R.* 1027; *l.* 1R.* 1026
- *Belfast and Cavehill Railway*, c. 1R.* 1110
- Berkeley, Hon. Captain M. F. F.
  - Elton, Mr., his case, 187
  - Income-Tax, Com. 1012
  - Navy Estimates, 96, 107, 116, 117
  - ——, State of the, 1050, 1065
- Berkeley, Hon. C. F.
  - Cheltenham and Great Western Union Railway, Rep. 1342
- Berkeley, Hon. F. H. F.
  - Income-Tax, Com. 1215
- Bernal, Captain R.
  - Income-Tax, Com. 1217
  - Mutiny Bill, Report, 1290
- Bexley, Lord
  - Income-Tax, 744
- *Birkenhead Improvement*, c. 3R.* 930; *l.* 1R.* 929; 2R.* 1109
- *Birmingham and Derby Junction Railway*, c. 1R.* 418; 2R.* 930
- ——— *Liverpool Junction Canal*, c. 2R.* 217; 3R.* 1027; *l.* 1R.* 1026
- ———, (*Extension*), c. 2R.* 217
- *Bishoprics, West-Indian*, c. 2R.* 41, 420; Com. 490; Amend. 492 [*o. q.* A. 126, N, 17, M. 109], 496; 3R.* 511; *l.* 1R.* 583; 2R.* 835; Rep.* 929; 3R.* 929; Royal Assent, 1109
- Blackstone, Mr. W. S.
  - Corn Importation, 2R. 309
- *Blackwall Railway* see *London*
- Blake, Sir V.
  - Barristers (Ireland), Leave, 1294
  - Corn Importation, Com. *cl.* 2, Amend. 574
- *Bletchley Road*, c. 1R.* 1109
- Blewitt, Mr. R. J.
  - Chinese War—Hong Kong, 608
  - Financial Statement, 484
- Blewitt, Mr. R. J.—*Continued.*
  - Income-Tax, Com. 1007, 1008, 1009, 1012, 1118; Amend. 1252, 1262
  - Opium seized by the Chinese, Compensation for, 787
- Boldero, Captain H. G.
  - Barracks, 1348
  - Percussion Muskets, 604
- *Bolton and West Houghton Road*, c. 1R.* 217; 2R.* 511
- *Bonded Corn* see *Corn, Bonded*
- *Bonding Flour* see *Flour*
- *Boroughbridge Road* see *Ferrybridge*
- Borthwick, Mr. P.
  - Marriage Law, Leave, 298, 695
  - Spain, Invasion of, 67
  - West-India Clergy, Com. 495
- *Boston Harbours*, c. 2R.* 41
- Bowring, Dr. J.
  - Anti-Corn-Law Conference, 833
  - Burying the dead in Towns, Com. moved for, 282
  - Consular Establishment, 251
  - Copyright of Designs, 2R. 689
  - Corn Importation, Com. 542; *cl.* 29, 1319; *add. cl.* 1338; Rep. 1404
  - Customs Duties—The Tariff, 935
  - Income-Tax, Com. 1012, 1109, 1139
  - Jerusalem, Bishop of, 1114
  - Manufacturing Districts, Distress in, 302
  - Navy Estimates, 108, 200, 201
  - Quarantine, 608
  - Taxes in Foreign Countries, 511
  - West-Indies—Africa—Emigration, Com. moved for, 1105
- *Bradford Water Works*, c. 3R.* 1219
- *Brampton Road* see *Market Harborough*
- *Brandling Junction Railway*; c. 3R.* 584; *l.* 1R.* 583; 2R.* 835
- *Breakwater* see *Floating—National*
- *Brentford Gas*, c. 1R.* 419; 2 R.* 1290
- *Brewood Free Grammar Schools*, *l.* 1R.* 501; 2R.* 722
- *Bristol and Gloucester Railway*, c. 1R.* 419; 2R.* 584
- ——— *Boundary*, c. 3R.* 658; *l.* 1R.* 722; 2R.* 929
- ——— *Floating Dock*, c. 1R.* 419; 2R.* 584
- *Britwell Inclosure*, c. 1R.* 584
- Brotherton, Mr. J.
  - Copyright of Designs, 2R. 692
  - Corn Importation, Com. *cl.* 9, 580, 581, 1321
  - Income-Tax, Com. 1017
  - Manufacturers, The—The Truck System, 54
  - Marriage Law, Leave, 703
  - Railways, Tax on, 512
- Brougham, Lord
  - Bankruptcy, 1R. 510

Brougham, Lord.—*Continued.*
  Evidence, Law of, 2R. 214, 215
  Exchequer Bills, Forgery of, Com. moved for, 25, 38
  Income-Tax, The, Resolutions, 507, 723, 752, 755;—Mechanic's Institutions, 1026
  Kennedy, Sir R., 7, 9
  Lunacy, 1R. 206
  Marriages (Ireland), Com. moved for, 202, 203, 207, 410, 501, 583

Bruce, Major C. J. C.
  Church of Scotland, 642, 645
  Southampton Election, 420

Buck, Mr. L. W.
  Corn Importation, 2R. 310

Buckland Inclosure, c. 1R.* 419; 2R.* 930

Buller, Mr. C.
  Corn Importation, 2R. 342, 941; Com. *cl.* 14, 1323
  Exchequer Bills, Forgery of, 1117; Rep. *add. cl.* 1246
  Income-Tax—Right of Petitioning, 513; Com. 1024, 1122
  Magistracy of Dorsetshire—Quarter Sessions, 1032
  Marriage Law, Leave, 297, 299, 698, 701
  Spain, Invasion of, 69
  Special Petty Sessions, 1R. 605, 607

Buller, Mr. E.
  Corn Importation, Com. *cl.* 27, 1328

Bunsen's Naturalization, l. 1R.* 120; 2R.* 501; Rep.* 583; 3R.* 722; *c.* 1R* 837; 2R.* 1027

Burdens on Land see *Corn Importation*

Burntisland and Granton Pier, Ferry and Road, c. 1R.* 1110.

Burroughs, Mr. H. N.
  Rural Police, 1084

Burying the Dead in Towns, c. Com. moved for, 281

Caledonian Canal, c. 303, 660; Com. moved for, 835

Camberwell and Peckham Lighting, c. 1R.* 299

Cambuslang and Muirkirk Roads, c. 1R.* 755

Campbell, Lord
  Bankruptcy Laws, 120
  Ecclesiastical Courts, 120
  Evidence, Law of, 2R. 215
  Marriages (Ireland), Com. moved for, 203, 208, 409, 410, 502
  Oaths, 835, 836

Campbell, Mr. A.
  Church of Scotland, 641, 642; Com. moved for, 646, 653

Canals see *Birmingham — Caledonian—Ellesmere*

Canton, Ransom of—Revenue, c. 1348

Cardwell, Mr. E.
  Clitheroe Election—Intimidation of Witnesses, 1033

Carlow Road, c. 1R.* 1027

Carnegie, Hon. Captain S. T.
  Navy Estimates, 113

Castlerigg and Derwentwater Inclosure, c. 2R.* 136

Catholic Sailors and Soldiers, c. 59

Cattle, Duties on, c. 938

Cavehill Railway see *Belfast*

Chancellor of the Exchequer (Right Hon. H. Goulburn)
  Exchequer Bills, Forged, 303, 514
  ——— Loan Acts, 497
  Financial Statement, 484, 489
  Income Tax, Com. 860.
  Manufacturers, The—The Truck System, 53
  Marriage Law, Leave, 701
  Naval Officers, Retiring Pensions to, 137
  Opium seized by the Chinese, Compensation for, 777, 785, 787
  Railways, Tax on, 512

Chancellor, The Lord (Right Hon. Lord Lyndhurst)
  Bankruptcy Laws Amend. 120; 1R. 509, 510
  Ecclesiastical Courts, 121
  Evidence, Law of, 2R. 211, 217
  Lunacy 135; 1R. 203, 207, 208
  Marriages (Ireland), Com. moved for, 202, 203, 410, 501, 583

Chapman, Mr. A.
  Timber Ships, Overloading of, 303

Charitable Funds see *Income-Tax*

Cheltenham and Great Western Union Railway, c. 2R.* 41; Rep. 1339; Adj. [A. 74, N. 110, M. 36], 1346

Chester Canal see *Ellesmere*

Child Murders, c. 722

Childers, Mr. J. W.
  Cattle, Duties on, 938
  Corn Importation, Com. 545; *cl.* 29; Amend. 1299, 1300, 1301, 1315, 1332
  Financial Statement, 485

Chinese War—Hong Kong, c. 608 see *Canton —Opium*

Christmas, Mr. W.
  Income-Tax, Com. 2nd Resolution, 1274

Christopher, Mr. R. A.
  Corn Importation, Com. *cl.* 27, 1328; *add. cl.* 1338

Church Extension, c. 1115

——— *of Scotland, c.* 618; Com. moved for, 646 [A. 62, N. 139, M. 77], 653

——— *Stretton* and *Langdon Roads, c.* 1R.* 299

Clanricarde, Marquess of
Aberdeen, Earl of—The French Ambassador, 410
Algiers, Possession of, 121
Marriages (Ireland), Com. moved for, 202, 203
Spain—The French Ambassador, 502, 506

Clarendon, Earl of
Spain, Invasion of, 1

Clay, Sir W.
Income-Tax, Com. 959

Clee Inclosure, c. 3R.* 755; *l.* 1R.* 722; 2R.* 929; 3R.* 1109

Clergy, West India, see *Bishoprics*

Clerk, Sir G.
Caledonian Canal, Com. moved for, 835
Income-Tax, Com. 972, 1118, 1131
Mutiny Bill, Report, 1290
Southampton Election, 420
Ways and Means, 422

Clerkenwell Improvement, c. 1R.* 1110

Clitheroe Election, 931;—*Intimidation of Witnesses,* 1032

Clyde Navigation see *Forth*

Coals, Export of, c. 834

Cobden, Mr. R.
Corn Importation, Com. 558
Income-Tax, Com. 1206, 1218
Manufacturers, The—The Truck System, 47, 662, 663, 664

Cochrane, Mr. A. D. R. W. B.
Church of Scotland, 638, 642

Cockburn, Right Hon. Sir G.
Navy Estimates, 90, 99, 105, 200, 201

Colchester, Lord
Admiralty, The late, 131

Colonial Passengers—Van Diemen's Land, c. Com. 419; Rep.* 837

Colville, Mr. C. R.
Child Murders, 722
Poor-Law—Gilbert Unions, Com. moved for, 822

Consolidated Fund, c. 1R* 511; 2R.* 584; 3R.* 837; *l.* 1R.* 835; 2R.* 929; 3R.* *ib.*; Royal Assent, 1109

Consular Establishment, c. 220

Copyright Amendment (Viscount Mahon), *c.* 1R.* 41; 2R. 694; Rep.* 1109; Com. 1116; Recom. *cl.* 1, 1348; *cl.* 3, 1391 [A. 56, N. 68, M. 12], 1397; Amend. [A. 91, N. 33, M. 58], 1398; 2nd Amend. [*o. q.* A. 22, N. 161, M. 79], 1400; 2nd Div. [*o. q.* A. 96, N. 17, M. 79], 1401; *cl.* 4 [A. 69, N. 26, M. 43], 1402

——— *of Designs, c.* 2R. 667

Corn Averages, Effect of, on Tithes, c. 43;—*Additional Towns,* 44

Corn Bonded, c. Leave, 646; 1R.* 583

—— *Importation, c.* 1R. 44, 136; 2R. 304 [A. 284, N. 176, M. 108], 405, 513; Com. 519 [A. 230, N. 115, M. 115], 572; *cl.* 2, 574; *cl.* 5, 579; *cl.* 8, *ib.*; *cl.* 9, 580 [*r. p.* A. 89, N. 64, M. 25], 581, 941, 1297, 1320; *cl.* 29, 1299 [A. 202, N. 69, M. 133], 1332; *cl.* 14, 1323; *cl.* 18, *ib.*; *cl.* 26, 1326; *cl.* 27, *ib* [A. 242, N. 37, M. 205], 1330; *add. cl.* 1335; Rep. 1403 see *Anti-Corn-Law*

——, ——— *of, from America, c.* 42, 404

Cornwall, Duchy of, l. 2R.* 120; Com.* 202; 3R.* 409; Royal Assent, 583

Cottenham Inclosure, c. 3R.* 837; *l.* 1R.* 835; 2R.* 1026

Cottenham, Lord
Lunacy, 1R. 206, 207

Coward's Divorce, l. 1R.* 1026

Cowper, Hon. W. F.
Church of Scotland, Com. moved for, 647
Income-Tax, Com. 1218
Navy Estimates, 197

Crawford, Mr. W. S.
Income-Tax, Com. 1253

Criminal Jurisdiction of Courts of Quarter Sessions, l. 1R.* 722

Cromarty Court House see *Ross*

Curteis, Mr. H. B.
Elton, Mr., his case, 181, 191
Income-Tax, Com. 1211, 1215
Marriage Law, Leave, 697

Customs Duties—The Tariff, c. 934 see *Tariff*

Dalmeny, Lord
Income-Tax, Com. 978
Yarmouth and Norwich Railway, 2R. Amend. 1027

Darby, Mr. G.
Corn Importation, Com. 541; *cl.* 29, 1304
Poor-Law—Gilbert Unions, 1092

Darlington Railway see *Northern Union*

D'Eyncourt, Right Hon. C. T.
Income-Tax, Com. 1149

D'Israeli, Mr. B.
Consular Establishment, 220, 267, 280

Denman, Lord
Affirmations, Baptists', 1R. 418
Evidence, Law of, 2R. 208, 216

Deptford Pier, c. 1R.* 217; 2R.* 511

Derby Railway see *Birmingham*

Derwentwater Inclosure see *Castlerigg.*

Designs Copyright see *Copyright*

Devon, Earl of
- Poor-Law Returns—Use of Machinery, 418

Distress see *Manufacturing Districts*

Divisions, Lists of
- Army Estimates, Amend. [A. 12, N. 144, M. 132], 178; 2nd Amend. [*o. q.* A. 133, N. 17, M. 116], 179
- Bishoprics, West India, Com. Amend. [*o. q.* A. 126, N. 17, M. 109], 496
- Cheltenham and Great Western Union Railway, Rep. Adj. [A. 74, N. 110, M. 36], 1346
- Church of Scotland, Com. moved for [A. 62, N. 139, M. 77], 653
- Copyright, recom. *cl.* 3 [A. 56, N. 68, M. 12], 1397; Amend. [A. 91, N. 33, M. 58], 1398; 2nd Amend. [*o. q.* A. 22, N. 101, M. 79], 1400; 2nd Div. [*o. q.* A. 96, N. 17, M. 79], 1401; *cl.* 4 [A. 69, N. 26, M. 43], 1402
- Corn Importation, 2R. [A. 284, N. 176, M. 108], 405; Com. [A. 230, N. 115, M. 115], 572; [*r. p.* A. 89, N. 64, M. 25], 581; *cl.* 27 [A. 242, N. 37, M. 205], 1330; *cl.* 29 [A. 202, N. 69, M. 133], 1332
- Edinburgh and Glasgow Railway, Com. [A. 46, N. 25, M. 21], 757
- Exchequer Bills, Forged, Rep. *add. cl.* [A. 64, N. 77, M. 13], 1250
- Income-Tax, Com. [*r. p.* A. 51, N. 328, M. 277], 1009; 2nd Div. [*r. p.* A. 91, N. 241, M. 150], 1018; [*r. p.* A. 87, N. 290, M. 203], 1212; 2nd Div. [*r. p.* A. 84, N. 225, M. 141], 1215
- Marriage Law, Leave [A. 100, N. 123, M. 23], 720
- Marylebone Paving, 2R. [A. 206, N. 131, M. 75], 591
- Navy, State of the, 2nd Res. [A. 40, N. 138, M. 98], 1069; 3rd Res. [A. 47, N. 139, M. 93], 1070
- Opium seized by the Chinese, Compensation for [A. 37, N. 87, M. 50], 795
- Poor-Law—Gilbert Unions, Com. moved for [A. 41, N. 108, M. 67], 832
- Southwark Improvement (No. 2), Rep. [A. 5, N. 36, M. 31], 1291
- Yarmouth and Norwich Railway, 2R. [A. 75, N. 16, M. 59], 1028

Dorsetshire, Magistracy of, see *Magistracy*

Douglas, Sir C. E.
- Floating Breakwater, 1297
- Severn Navigation, 933

Douglas, Sir H.
- Army Estimates, 169

Drainage (Ireland), c. 1R.* 1027; 2R.* 1219

Drogheda Harbour, c. 2R.* 1219

Dublin Police, c. 1R.* 583; 2R.* 1219

——— *Royal Society, c.* 604

Duchy of Cornwall see *Cornwall*

Duncombe, Mr. T. S.
- Corn Importation, Com. 570
- Income-Tax—Charitable Funds, 838; Com. 1018, 1021, 1207, 1254, 1262; 2nd Resolution, 1269; 3rd Resolution, 1289
- Poor-law—Gilbert Unions, Com. moved for, 807, 831

Duncombe, Mr. T. S.—*continued.*
- Rural Police, 1078
- Salford Gaol—Mr. Bagshawe, 598

Dundalk and Bannbridge Road, c. 1R.* 1109

Dundas, Rear Admiral J. W. D.
- Clitheroe Election—Intimidation of Witnesses, 1032

Dundee and Arbroath Railway, c. 1R.* 217

Duff, Mr. J.
- Church of Scotland, 645
- Customs Duties—The Tariff, 935

Ebrington, Viscount
- Corn Importation, 2R. Amend. 304; Com. *cl.* 27, 1328

Ecclesiastical Corporations Leasing see *Spiritual*

——— *Courts, l.* 120

——— *Houses of Residence, l.* 1R.* 418; 2R.* 929

Edinburgh and Glasgow Railway, c. 2R.* 41; Com. 756, [A. 46, N. 25, M. 21] 757

Education (Ireland), l. 411; *c.* 936

Egerton, Right Hon. Lord F.
- Copyright of Designs, 2R. 686
- Marriage-Law, Leave, 283, 715
- Salford Gaol—Mr. Bagshawe, 598, 603

Election Petition—Absence of a Member, c. 757 see *Clitheroe—Lewes*

Eliot, Lord
- Barristers (Ireland), Leave, 1295
- Dublin, Royal Society, 604
- Education (Ireland), 937
- Fisheries (Ireland), 839
- Flanaghan, James, Death of, 1074
- Party Crimes (Ireland), 153, 154, 155
- Spy System (Ireland), 301

Ellesmere and Chester Canal, c. 1R.* 299; 2R.* 584

Ellice, Mr. E.
- Caledonian Canal, 303, 660; Com. moved for, 835

Ellice, Right Hon. E.
- Income-Tax, Com. 1257; 2nd Resolution, 1269

Elton, Mr., his case, c. 181

Ely Place Improvement, c. 1R* 1110

Emigration see *West Indies*

Equitable Gas Company, c. 1R.* 136; 2R.* 584

Estcourt, Mr. T. G. B.
- Cheltenham and Great Western Union Railway, Rep. 1344
- Edinburgh and Glasgow Railway, 756

Evidence, Law of, l. 2R. 208

Exchequer Bills, Forged, c. 1R.* 41; 2R.* 135;

Exchequer Bills, Forged.—continued. 302; Rep. 513, 1117, 1221; *cl.* 5, Amend. 1221; *cl.* 6; Amend. 1240; *add. cl.* 1241; [A. 64, N. 77, M. 13], 1250, 1290; 3R.* 1339

——, *Forgery of, l.*Com. moved for, 9

—— *Loan Acts, c.* 497

Exchequer, Chancellor of the *see* Chancellor of the Exchequer

Farmers and Gardeners Hailstone Assurance Company, c. 1R.* 299

Faversham Navigation, c. 1R.* 584

Ferrand, Mr. W. B.
- Manufacturers, The—The Truck System, 52, 56, 140, 141, 151, 655, 662, 666

Ferrybridge and Boroughbridge Road, c. 1R.* 418

Fielden, Mr. J.
- Manufacturers, The Master, 150

Fierville's Naturalization, l. 1R.* 583

Finance, l. 510

Financial Documents, c. 467

—— *Statement* see *Income-Tax—Ways and Means*

Fish, Duties on, c. 838

Fisheries (Ireland), c. 839; 1R.* 1339

Fitzgerald, Lord
- Admiralty, The late, 134, 135

Fitzroy, Captain R.
- Copyright of Designs, 2R. 690
- National Floating Breakwater, 2R. 584
- Navy Estimates, 197

Fitzwilliam, Earl of
- Finance, 510

Flanaghan, James, Death of, c. 1072

Fleetwood Improvement, and Market, c. 1R.* 511; 2R.* 1027

Floating Breakwater, c. 1295

Flour, Bonding, c. 300

Follett, Sir W. W. *see* Solicitor-General, The

Forged Exchequer Bills see *Exchequer*

Forster, Mr. M.
- Customs Duties—The Tariff, 934
- Quarantine, 618

Fortescue, Earl of
- Poor-law, 723

Forth and Clyde Navigation, c. 1R.* 837

—— *Marine Insurance, c.* 1R.* 837

Fox, Colonel, C. R.
- Spain, Invasion of, 68

French Ambassador, The see *Aberdeen—Spain*

Frodsham, Small Debts see *Runcorn*

Gardeners see *Farmers*

Gas Companies see *Brentford—Equitable—Nottingham—South Metropolitan*

Gibson, Mr. T. M.
- Corn Averages, Effect of, on Tithes, 43
- —— Importation, Com. 539; *cl.* 9, 1321; Report, 1403
- Income-tax on Pensions, 607, 608, 659; Com. 1211; 2nd Resolution, 1264, 1271

Gilbert Unions see *Poor-law*

Gladstone, Right Hon. W. E.
- Copyright of Designs, 2R. 692
- Corn Importation, 2R. 369; Com. *cl.* 5, 579; *cl.* 29, 1299, 1304; *cl.* 9, 1322; *cl.* 14; Amend. 1323; *cl.* 27, 1327, 1339
- Tariff, The, 594;—Errors in, 838, 1111
- Taxes in Foreign Countries, 512
- Timber Ships, Overloading of, 303; Com. moved for, 1405, 1406

Glasgow and Redburn Bridge Road, c. 1R.* 584; 2R.* 1219

——, *City of, Life Assurance and Reversionary Company, c.* 1R.* 755

——, *Paisley, Kilmarnock and Ayr Railway, c.* 2R.* 136 see *Edinburgh*

—— *Police* (No. 2), *c.* 1R.* 584; 2R.* 1110; (No. 3), 1R.* 1110

Glegg's Divorce, l. 1R.* 409

Gloucester and Bristol Railway see *Bristol*

Gore, Mr. W. O.
- Severn Navigation, Report, 934

Gosport Pier, c. 1R.* 419; 2R.* 837

Goulburn, Right Hon. H. *see* Chancellor of the Exchequer

Graham, Right Hon. Sir J. R. G.
- Anti-Corn-Law Conference, 834
- Burying the Dead in Towns, Com. moved for, 283
- Church of Scotland, 626; Com. moved for, 648
- Income-Tax, Com. 1014
- Manufacturing Districts, Distress in, 302
- Navy Estimates, 201
- ——, State of the, 1041
- Paupers, Scotch and Irish, 935
- Poor-Law—Gilbert Unions, Com. moved for, 814, 816, 818, 1092
- Prison Discipline, 661
- Public Houses, 2R. postponed, 1403
- Rural Police, 512, 1083
- Salford Gaol—Mr. Bagshawe, 598
- Turnpike Trusts, 1116

Granton Pier (No. 2), *c.* 1R.* 511; 2R.* 930 see *Burntisland*

Gravesend Terrace Pier, c. 1R.* 217; 2R.* 511

—— *Town Pier, c.* 1R.* 217; 2R.* 511

Great North of England Railway, c. 2R.* 584
——————— *(Clarence and Hartlepool Junction) Railway, c.* 1R.* 837
——— *Western Railway* see *Cheltenham*

Greene, Mr. T.
Corn Importation, Com. *cl.* 9, Amend. 1298
Edinburgh and Glasgow Railway, 756
Income-Tax, Com. 1008; 1st Resolution, 1263; 2nd Resolution, 1264, 1268, 1288

Greenock Harbours, c. 1R.* 419; 2R.* 584
Greenwich and London Railway (No. 1), *c.* 3R.* 584; *l.* 1R.* 583; (No. 3), *c.* 1R.* 1109

Grey, Right Hon. Sir G.
Clitheroe Election—Intimidation of Witnesses, 1033
Income-Tax, Com. 1000, 1012, 1016
South Australia, 512
Southampton Election, 420

Grosvenor, Right Hon. Lord R.
Income-Tax, Com. 1119

Guarantee Society, c. 1R.* 419; 2R.* 1027
Haddingtonshire Roads, c. 1R.* 755

Hall, Sir B.
Income-Tax, Com. 1014
Manufacturers, The—The Truck System, 53
Marylebone Paving, 217; 2R. 585

Hamilton, Lord C.
Consular Establishments, 244

Harbours see *Ardrossan—Greenock—Piel—Saltcoats—Saundersfoot—Warkworth—Wicklow*

Hardinge, Right Hon. Sir H.
Army Estimates, 155, 164, 166, 174, 175, 176, 180, 181
Navy Estimates, 116
——, State of The, 1066

Hardy, Mr. J.
Clitheroe Election—Intimidation of Witnesses, 1033
Corn Importation, Com. *cl.* 29, 1311
Exchequer Bills, Forged, Rep. *add. cl.* 1249
——————— Loan Acts, 500
Marriage-Law, Leave, 714
Marylebone Paving, 2R. 589
Poor-Law—Gilbert Unions, Com. moved for, 825

Hartlepool Railway see *Stockton*

Hastie, Mr. A.
Corn Importation, Com. *cl.* 2, 577

Hawes, Mr. B.
Adjournment, Easter Recess, 1113
Church Extension, 1115
Colonial Passengers, 420
Corn Importation, Com. *cl.* 2, 578; *cl.* 29, 1302, 1309; *cl.* 9, 1321; *cl.* 27, 1329
Exchequer Bills, Forged, Rep. *add. cl.* 1250
Financial Statement, 483

Hawes, Mr. B.—*continued.*
Income-Tax, Com. Adjournment, 927, 944, 1108, 1109; 2nd Resolution, 1269
Lunatic County Asylums, Inspection of, Leave, 805
Revenue Commission, 759, 937
Tariff, Errors in the, 838, 1110

Hay, Sir A. L.
Church of Scotland, 618
Financial Statement, 59

Heathcoat, Mr. J.
Copyright of Designs, 2R. 691

Henley, Mr. J. W.
Copyright of Designs, 2R. 692

Herbert, Hon. S.
Naval Officers, Retiring Pensions to, 137
Navy Estimates, 69, 194, 196, 197, 200

Hinckley Roads, c. 3R.* 419; *l.* 1R.* 501

Hinde, Mr. J. H.
Financial Statement, 485

Hindley, Mr. C.
Financial Statement, 490

Hobhouse, Right Hon. Sir J. C.
India, Affairs of, 422
Marylebone Paving, 219

Hogg, Mr. J. W.
Clitheroe Election, 931

Holywell Roads, c. 1R.* 41; 2R.* 419
Hong Kong see *Chinese War*

Hope, Mr. A. J. B.
Marriage Law, Leave, 296

Houghton, West, Road, see *Bolton*

Howard, Hon. C. W. G.
Corn Importation, Com. *cl.* 2, 578

Howard, Hon. E. G. G.
Corn Importation, Com. *cl.* 29, 1314

Howick, Viscount
Army Estimates, 160, 166, 175
Corn Importation, 2R. 312, 359, 361; Com. 566; *cl.* 2, 577
Financial Statement, 59, 481
Income-Tax — Machinery, 596; Com. 875, 1193, 1209
Manufacturers—The Income-Tax, 665
Navy Estimates, 114

Huish, Champflower &c. Inclosure, c. 1R.* 584; 2R.* 1219

Humphery, Mr. Alderman
Income-Tax, Com. 2nd Resolution, 1270

Hutt, Mr. W.
Corn, Bonded, Leave, 646
Flour, Bonding, 300
Stade Duties, 937
West Indies—Africa—Emigration, Com. moved for, 1108

Imperial Assurance Company, l. 2R.* 1026

——— *Bank of England, c.* 1R.* 299

Inchbelly (Glasgow) Roads, c. 1R.* 755; 2R.* 1219

Inclosure see *Britwell—Buckland—Castlerigg—Huish—Kilmington—Medbourn—Ormesby—Wakey Hill—Yate*

Income-Tax, l. Lord Brougham's Resolutions, 507, 723;—*c. Right of Petitioning,* 513;—*Machinery* 594;—*On Pensions* 607;—*Her Majesty* 659;—*Charitable Funds* 838;—*Mechanics' Institutions* 1026;—Com. 839, 939, 944 [*r. p.* A. 51, N. 328, M. 277], 1009; 2nd Div. [*r. p.* A. 91, N. 241, M. 150], 1018, 1117, 1118, 1119; [*r. p.* A. 87, N. 290, M. 203], 1212; 2nd Div. [A. 84, N. 225, M. 141], 1215; Amend. 1252; 1st Resolution 1263; 2nd Resolution 1264; 3rd Resolution 1289

Incumbents, Leasing, l. 2R.* 418

Indemnity, c. 1R.* 1290; 2R.* 1339

——— *Mutual Marine Assurance Company, c.* 1R.* 419

India, Affairs of, c. 421 see *Army*

Intimidation of Witnesses see *Clitheroe*

Ingestrie, Viscount
Floating Breakwater, 1295, 1296
Navy Estimates, 98, 107
——, State of the, 1053
Severn Navigation, Report 934

Inglis, Sir R. H.
Cheltenham and Great Western Union Railway, Rep. 1345
Church Extension, 1115
Clitheroe Election—Intimidation of Witnesses, 1032, 1033
Copyright, Recom. *cl.* 1, 1371
Exchequer Bills, Forgery of, 1118; Rep. *add. cl.* 1245
Marriage Law, Leave, 293, 298
Navy Estimates, 106
West India Clergy, Com. 492

Ireland, see *Barristers — Belfast — Carlow — Drainage—Dublin Police—Dublin Royal Society — Dundalk — Education — Fisheries — Flanaghan, James—Kingston—Lough Foyle—Marriage—Newgate Gaol—North American Association — Party Crimes — Rivers — Spirit Duties — Spy System — Temperance — Wicklow*

Irish Paupers see *Paupers*

Jardine, Mr. W.
Opium seized by the Chinese, Compensation for, 786

Jerusalem, Bishop of, c. 1114

Johnstone, Mr. J. J. H.
Income-Tax, Com. 2nd Resolution, 1279

Jurisdiction of Justices—Quarter Sessions, l. 1R.* 829

Kemble, Mr. H.
Exchequer Bills, Forged, Rep. *add. cl.* 1248, 1249

Kennedy, Sir R., l. 7

Kensington Opening see *Knightsbridge*

Kilmarnock Railway see *Glasgow*

Kilmington Inclosure, c. 1R.* 511; 2R.* 1110

Kingstown Mariners' Church, c. 1R.* 837; 2R.* 1027

Kingswinford Small Debts, c. 1R.* 1027

Kirkintolloch Road (No. 1), *c.* 1R.* 755; 2R.* 1219

Knatchbull, Right Hon. Sir E.
Corn Importation, 2R. 358, 361; Com. *cl.* 29, 1309
Income-Tax, Com. 2nd Resolution, 1269

Knightsbridge and Kensington Openings, c. 1R.* 584

Labouchere, Right Hon. H.
Cheltenham and Great Western Union Railway, Rep. 1345
Clitheroe Election—Intimidation of Witnesses, 1033
Consular Establishment, 279
Corn Importation, Com. *cl.* 5, 578; *cl.* 9, 581; *cl.* 29, 1312
Edinburgh and Glasgow Railway, 756
Floating Breakwater, 1296
Income-Tax, Com. 906, 917
Manufacturers, The—The Truck System, 53
Severn Navigation, Report 932

Lambton, Mr. H.
Manufacturers, The Master, 151
Southwark Improvement (No. 2), Rep. 1291

Langdon Road see *Church Stretton*

Lansdowne, Marquess of
Education (Ireland), 411, 412

Larpent, Sir G. G. de H.
Opium seized by the Chinese, Compensation for, 774, 785

Lawson, Mr. A.
Cheltenham and Great Western Union Railway, Rep. Amend. 1339, 1346

Layard, Captain B. V.
Anglo Portuguese Legion, 598
Army Estimates, 173

Leader, Mr. J. T.
Marylebone Paving, 2R. 590

Leeds and Wakefield Road, c. 1R.* 136

——— *Improvement, c.* 1R.* 1110

Lefevre, Right Hon. C. S. *see* Speaker, The

Leicester Road see *Ashby-de-la-Zouch*

Lemon, Sir C.
Tariff, The, 594

Lennox, Lord A.
  Army Estimates, 162
  Percussion Muskets, 604

Lewes Election, c. 930

Liddell, Hon. H. T.
  Poor-Law—Gilbert Unions, Com. moved for, 824

Liebert's Naturalization, *l.* 1R.* 501; 2R.* 722; 3R.* 929; c. 1R.* 930; 2R.* 1339

Lincoln Roads, c. 1R.* 1110

Lindsay, Mr. H. H.
  Income-Tax, Com. 2nd Resolution, 1269
  Opium seized by the Chinese, Compensation for, 759, 792, 795, 936

Liverpool Borough Court, c. 1R.* 419

——— *Canal* see *Birmingham*

——— *Health of the Town and Buildings Regulation*, c. 1R.* 419; 2R.* 658

——— *Improvement* c. 1R.* 419; 2R.* 1027

——— *Poor*, c. 1R.* 755

Loan Societies' Act Continuance, *l.* 2R.* 202; Rep.* 409, 418; 3R.* 501; Royal Assent 1109

Loch, Mr. J.
  Edinburgh and Glasgow Railway, 757

London and Blackwall Railway, c. 1R.* 419; 2R.* 584 see *Greenwich*

——— *Bridge Approaches and Royal Exchange Avenues*, c. 1R.* 930

Loughfoyle (Lower Level) Drainage, c. 1R.* 1110

——— *(Upper Level) Drainage*, c. 1R.* 1110

Lunacy, *l.* 135; 1R. 203

Lunatic Asylums, County, Inspection of, c. Leave, 797

——— ———, *Licensed*, c. 1R.* 837; 2R.* 1219

Lyndhurst, Lord *see* Chancellor, The Lord

Macaulay, Right Hon. T. B.
  Army Estimates, 163
  Copyright 2R. 695; Recom. *cl.* 1, 1363; *cl.* 3, Amend. 1391, 1394, 1397, 1398, 1399, 1400

Mackinnon, Mr. W. A.
  Burying the Dead in Towns, Com. moved for, 281
  Marylebone Paving, 219; 2R. 585, 587

Magistracy of Dorsetshire—Quarter Sessions, c. 1029

Mahon, Viscount
  Copyright 2R. 694; Com. 1116, 1117; Recom. *cl.* 1, 1348, 1383; *cl.* 3, 1391, 1397; Amend. 1398

Maidstone and Rochester Roads, c. 1R.* 217; 2R.* 930

Malmesbury, Earl of
  Timber, Duties on, 836

Manchester Infirmary, c. 3R.* 584; *l.* 1R.* 583; 2R.* 835; 3R.* 1109

——— *Railway* see *Sheffield*

Mangles, Captain R. D.
  West Indies—Africa—Emigration, Com. moved for, 1107

Manners, Lord J.
  Southwark Improvements (No. 2), Rep. 1290, 1291
  Spain, Invasion of, 69
  West India Clergy, Com. 493

Manufacturers, The see *Truck System*

Manufacturing Districts, Distress in, c. 302

Marine Mutiny, c. 1R.* 930; 2R.* 1027; Rep.* 1219

Market Harborough and Brampton Road, c. 1R.* 584

Markets see *Fleetwood—Torrington*

Marriage Law, c. Leave, 283; Adj. Debate, 695 [A. 100, N. 123, M. 23], 720

Marriages (Ireland), *l.* Com. moved for, 202, 409, 501, 583; c. 937

Marylebone Paving, c. 217; 2R. 585 [A. 206, N. 131, M. 75], 591

Master, Mr. T. W. C.
  Cheltenham and Great Western Union Railway, Rep. 1343

Masterman, Mr. J.
  Corn Bill, Operation of the New, 136

Maule, Hon. F.
  Church of Scotland, 631; Com. moved for, 649, 653
  Edinburgh and Glasgow Railway, 756
  Financial Plan, Ministers', 939, 940
  Income-Tax, Com. 1013, 1023, 1219
  Turnpike Trusts, 1116

Mechanics' Institutions see *Income-Tax*

Medbourne Inclosure, c. 1R.* 584

Mersey Conservancy, c. 1R.* 419

Metropolitan Patent Wood Paving Company, c. 1R.* 584

Midland Counties Railway, c. 3R.* 584; *l.* 1R.* 583; 2R.* 835; 3R.* 1109

Miles, Mr. P. W. S.
  National Floating Breakwater, 2R. 584

Milnes, Mr. R. M.
  Copyright, Recom. *cl.* 1, 1386
  Marriage Law, Leave, 295

Minto, Earl of
Admiralty, The late, 125, 134, 135

Mitford's Divorce, c. 3R.* 584; *l.* Royal Assent 1109

Mold Road see *Wrexham*

Monteagle, Lord
Exchequer Bills, Forgery of, Com. moved for, 9, 38, 41
Poor-Law Returns—Use of Machinery, 416

Morrison, Mr. J.
Copyright of Designs, 2R. 691

Muirkirk Road see *Cambuslang*

Muntz, Mr. G. F.
Severn Navigation, Report, 931, 934

Mutiny, c. 1R.* 930; 2R.* 1027; Rep. 1290

Napier, Captain Sir C.
Army Estimates, 171, 172
Bishoprics, West Indian, 420; Com. Amend. 492, 496
Corn, Importation of, from America, 42, 43, 404
Marylebone Paving, 2R. 590
Naval Officers, Retiring Pensions to, 137
Navy Estimates, 74, 93, 109, 117, 118, 196, 201
——, State of the, 1034, 1044, 1046, 1059, 1060, 1067
Opium Seized by the Chinese, Compensation for, 777

National Floating Breakwater Company, c. 1R.* 419; 2R.* 584

Naval Officers, Retiring Pensions to, c. 137

Navy Estimates, c. 69, 181

——, *State of the*, c. 1034; 2nd Resolution, [A. 40, N. 138, M. 98], 1069; 3rd Resolution, [A. 47, N. 139, M. 92], 1070

New Cross Roads, c. 1R.* 299

New Zealand see *Australia*

Newcastle and Darlington Railway see *Northern Union*

Newgate Gaol (Dublin), c. 1R.* 41; 2R.* 135; 3R.* 500; *l.* 1R.* 583; 2R.* 835; Rep.* 929; 3R.* *ib.*; Royal Assent, 1109

Nicholl, Right Hon. Dr. J. I.
Marriage-Law, Leave, 298

Nottingham Gas, (No. 1), c. 2R.* 136; 3R.* 1110

Norreys, Sir C. D. O. J.
Paupers, Scotch and Irish, 935

North American Colonial Association (Ireland), c. 1R.* 837

Northern Coal Mining Company, c. 1R.* 419; 2R.* 837

——— *Union (Newcastle and Darlington Junction) Railway*, c. 1R.* 419; 2R.* 584

Northwich Small Debts see *Runcorn*

Norwich Railway see *Yarmouth*

Oaths, *l.* 835 see *Affirmations*

O'Brien, Mr. W. S.
Corn Importation, Com. *cl.* 5, 579
Flanaghan, James, Death of, 1072
Income-Tax, Com. 1142

O'Connell, Mr. D.
Army Estimates, 176
Catholic Sailors and Soldiers, 59
Financial Statement, 480, 489, 490
Marriage-Law, Leave, 707
Party Crimes (Ireland) 152, 154, 155
Prison Discipline, 660
Salford Gaol—Mr. Bagshawe, 603
Spain, Invasion of, 65, 68
West-India Clergy, Com. 491, 496

O'Connell, Mr. J.
Spy System (Ireland), 300

Opium Seized by the Chinese, Compensation for, c. 759, [A. 37, N. 87, M. 50], 795, 936

Ormesby Inclosure, c. 2R.* 136

Oswald, Mr. J.
Edinburgh and Glasgow Railway, 756

Otley Road see *Tadcaster*

Paisley Railway see *Glasgow*

Pakington, Mr. J. S.
Corn Importation, 2R. 304, 339
Severn Navigation, Report, 931
West-India Clergy, Com. 490

Palmer, Mr. G.
Corn Importation, Com. 546; *cl.* 27, 1328

Palmer, Mr. R.
Corn Importation, Com. *cl.* 27, 1327
Income-Tax, Com. 1146
Southwark Improvement, (No. 2), Rep. 1291
Yarmouth and Norwich Railway, 2R. 1028

Palmerston, Viscount
Consular Establishment, 258
Opium Seized by the Chinese, Compensation for, 783
Spain, Invasion of, 61;—The French Ambassador, 518

Parish Property, c. 2R.* 511; Rep.* 837, 930; 3R.* 1290

Parker, Mr. J.
Corn Importation, Com. *cl.* 2; Amend. 575, 577

Party Crimes (Ireland), c. 151

Paupers, Scotch and Irish, c. 935

Pechell, Captain G. R.
Corn Importation, Com. *cl.* 8; Amend. 579, 580
Fish, Duties on, 838
Floating Breakwater, 1295
Navy Estimates, 107, 119, 194, 198, 201
——, State of the, 1054, 1065

Pechell, Captain, G. R.—*continued.*
Poor-Law—Gilbert Unions, Com. moved for, 811, 816, 817, 818, 1084, 1092

Peckham Lighting see *Camberwell*

Peel, Right Hon. Sir R.
Adjournment, 1108, 1109, 1113, 1114
Algiers, Possession of, 137
Anglo-Portuguese Legion, 598
Army in India, 758, 759
Banking, 138
Caledonian Canal, 303, 660
Canton, Ransom of—Revenue, 1348
Catholic Sailors and Soldiers, 61
Cattle, Duties on, 938
Cheltenham and Great Western Union Railway, Rep. 1346
Chinese War—Hong Kong, 608
Church of Scotland, Com. moved for, 650
Clitheroe Election—Intimidation of Witnesses, 1032
Coals, Export of, 834
Consular Establishment, 254, 261
Copyright, Com. 1116; Recom. *cl.* 3, 1393, 1397
Corn Averages, Effect of, on Tithes, 44
——, Bonded, Leave, 646
—— Importation, 1R. 44, 136; 2R. 304, 327, 349, 358, 392, 513; Com. 548; *cl.* 2, 576, 277, 578; *cl.* 5, 579; *cl.* 8, *ib.*; *cl.* 9, 580, 581, 1321; *cl.* 29, 1300, 1315, 1316, 1319; *cl.* 18, 1324, 1325; *cl.* 27, 1329; *add. cl.* 1335, 1336; Rep. 1404, 1405
———, ——— of, from America, 42, 43
Customs Duties—The Tariff, 934, 935
Exchequer Bills, Forgery of, 1117, 1118; Rep. 1221; *cl.* 5, 1233, 1239; *cl.* 6, 1241; *add. cl.* 1246, 1248
Financial Statement, 57, 422, 482, 483, 484, 485, 488, 489, 490
Fish, Duties on, 838
Flour, Bonding, 300
Income tax, 513;—Machinery, 595, 597;—On Pensions, 608;—Her Majesty, 659;—Charitable Funds, 838;—Com. 839, 901, 923, 928, 929, 940, 941, 942, 943, 947, 949, 995, 1008, 1015, 1022, 1025, 1108, 1109, 1117, 1118, 1123, 1174, 1218, 1252, 1255, 1262, 1263; 2nd Resolution, 1270, 1271, 1279; 3rd Resolution, 1289, 1290
India, Affairs of, 421
Jerusalem, Bishop of, 1115
Manufacturers, The—The Truck System, 57
Marriage-Law, Leave, 298, 299
Marriages (Ireland), 938
Navy Estimates, 1118
——, State of the, 1057
Opium Seized by the Chinese, Compensation for, 789, 795, 936
Poor-Law—Gilbert Unions, Com. moved for, 827
Portendic, Losses at, 43
Revenue Commission, 937
Quarantine, 618
Spain, Invasion of, 63, 66;—The French Ambassador, 515, 519
Stade Duties, 937
Tariff, The, 1220, 1221
Taxes in Foreign Countries, 512
Temperance (Ireland), 1115
Timber Duties, 1112

Pensions, Retiring see *Income-Tax—Naval Officers*

Percussion Muskets, c. 604

Petitioning, Right of see *Income-Tax*

Petty Sessions, c. Leave, 299; 1R. 605

Philips, Mr. M.
Copyright of Designs, 2R. 689
Corn Importation, Com. *cl.* 9, 1322
Manufacturers, The—The Truck System, 56
Opium Seized by the Chinese, Compensation for, 785
Severn Navigation, Report, 931

Piel Pier and Harbour, c. 1R.* 755

Piers see *Deptford—Granton—Gravesend—Piel*

Plumptre, Mr. J. P.
Marriage-Law, Leave, 298

Plumridge, Captain, J. H.
Consular Establishment, 280
Navy, State of the, 1070

Police see *Rural*

Pollock, Sir. F. *see* Attorney-General, The

Poor-Law Returns—Use of Machinery, l. 413 723;—*Gilbert Unions,* Com. moved for, 807, [A. 41, N. 108, M. 67], 832, 1084 see *Child Murders*

Portendic, Losses at, c. 43

Portuguese Legion see *Anglo-Portuguese*

Powell, Mr. C.
Flanaghan, James, Death of, 1077
Temperance (Ireland), 1115

Presbyterian Marriages see *Marriages*

Prison Discipline, c. 660 see *Salford Gaol*

Property-Tax see *Income-Tax*

Protheroe, Mr. E.
Income-Tax, Com. 1008

Public Houses, c. 1R.* 658; 2R. postponed, 1403

——— *Works, c.* 1R.* 511; 2R.* 584; Rep.* 1027; 3R.* 1109

Quarantine, c. 608

Quarter Sessions see *Jurisdiction—Magistracy*

Queen's Prison, c. Rep.* 500; 3R.* 930; *l.* 1R.* 1026

Rae, Right Hon. Sir W.
Severn Navigation, Report, 933

Railways, c. Com.* 299, see *Belfast—Birmingham—Brandling—Bristol—Cheltenham—Dundee—Edinburgh—Glasgow—Great North of England—Greenwich—London—Northern Union—Saundersfoot—Sheffield—Stockton—Tax—Thames Haven—Yarmouth*

Rawdon, Colonel J. D.
Army Estimates, 177

Reading Cemetery, c. 1R.* 217 ; 2R.* 584
Redburn Bridge Road see *Glasgow*

Redington, Mr. T. N.
Dublin Royal Society, 604

Reid, Sir J. R.
Income-Tax, Com. 1150, 1152
Revenue Commission, c. 759, 937 see *Canton*

Ricardo, Mr. J. L.
Income-Tax, 659

Rice, Mr. E. R.
Income-Tax, Com. 2nd Resolution, 1270, 1271

Richmond, Duke of
Admiralty, The late, 132, 135

Ripon, Earl of
Income-Tax, 749, 752
Timber, Duties on, 837
Rivers (Ireland), c. 2R.* 136 ; Rep.* 511, 930
Roads see *Aberdeenshire — Argyll — Ashby — Bletchley — Bolton — Burntisland — Cambuslang — Church Stretton — Dundalk — Ferrybridge — Glasgow — Haddingtonshire — Hinckley — Holywell — Inchbelly — Kirkintolloch — Leeds — Lincoln — Maidstone — Market-Harborough — New Cross — Slug — Stirlingshire — Stourbridge — Tadcaster — Wrexham*
Rochester Roads see *Maidstone*

Roebuck, Mr. J. A.
Income-Tax, Com. 1165, 1184, 1186
Ross and Cromarty Court Houses, c. 1R.* 837

Rous, Hon. Captain, H. J.
Elton, Mr., his case, 192
Navy Estimates, 81
Public Houses, 2R. postponed, 1403
Royal Exchange Avenues see *London Bridge Approaches*
Runcorn, Frodsham, and Northwich Small Debts, c. 1R.* 419
Rural Police, c. 512, 1078

Russell, Right Hon. Lord J.
Army Estimates, 165, 176
—— in India, 758, 759
Canton, Ransom of—Revenue, 1348
Copyright, Com. 1116 ; Recom. *cl.* 3, 1396
Corn Averages—Additional Towns, 44
—— Importation, 2R. 304, 381, 943
Exchequer Bills, Forged, 302, 513, 514, 1117 ; Rep. *cl.* 6, 1240 ; *add. cl.* 1246
Financial Statement, 58, 477, 483, 484, 943
Income-Tax, Com. 839, 896, 941, 1007, 1008, 1017, 1117, 1196 ; 2nd Resolution, 1284 ; 3rd Resolution, 1289
Manufacturers, The—The Truck System, 54
Marriages (Ireland), 937
Opium Seized by the Chinese, Compensation for, 793
Spain, Invasion of, 64
Tariff, The, 1221

Sailors, Catholic see *Catholic*
St. Austel Market, c. 2R.* 41 ; (No. 1), 1R.* 837 ; 2R.* 1027
St. Marylebone Parish see *Marylebone*
St. Pancras Improvement, c. 2R.* 41
Salford Gaol — Mr. Bagshawe, c. 598 see *Prison Discipline*
Salmon Fisheries (Scotland), c. 1R* 135 ; 2R.* 511
Saltcoats Harbour, c. 1R.* 930
Saundersfoot Harbour, c. 1R.* 299 ; 2R.* 658
——— *Railway*, c. 1R.* 299 ; 2R.* 658

Scarlett, Hon. R. C.
Corn Importation, Com. 544
Income-Tax, Com. 994

Scholefield, Mr. J.
Cheltenham and Great Western Union Railway, Rep. 1344
Scotch Paupers see *Paupers*
Scotland see *Aberdeenshire — Argyll — Church — Forth — Haddingtonshire — Inchbelly — Kirkintolloch — Sheriffs Clerks — Ross — Salmon Fisheries — Stirlingshire*

Scott, Mr. R.
Cheltenham and Great Western Union Railway, Rep. 1343
Severn Navigation, Rep. 933

Scrope, Mr. G. P.
Cheltenham and Great Western Union Railway, Rep. 1343
Corn Importation, Com. *cl.* 2, Amend. 578
Income-Tax, Com. 995
Severn Navigation, c. Report, 931 ; 3R.* 1027

Shaw, Right Hon. F.
Education (Ireland), 936
Sheffield, Ashton-under-Lyne, and Manchester Railway, c. 1R.* 419 ; 2R.* 837

Sheil, Right Hon. R. L.
Copyright of Designs, 2R. 688, 693
Corn Importation, 2R. 362
Fisheries (Ireland), 839
Spain—The French Ambassador, 514, 519
Sheriffs Clerks, (Scotland), c. 1R.* 837

Sibthorp, Colonel D. L. W.
Corn Importation, Com. *cl.* 18, 1325 ; *cl.* 27, 1326 ; *add. cl.* 1336
Exchequer Bills, Forged, Rep. *cl.* 5, 1239
Financial Statement, 490
Income-Tax, Com. 1006, 1218
Turnpike Trusts, Leave, 1294
Slug Road, c. 1R.* 511

Smith, Mr. J. A.
Opium seized by the Chinese, Compensation for, 786, 787

Smith, Rt. Hon. R. V.
- Income-Tax, Com. 1013, 1206; 2R. 1270
- Marriage Law, Leave, 704
- West-India Clergy, Com. 494, 495
- West-Indies—Africa—Emigration, Com. moved for, 1106

Smythe, Hon. G. A. P. S.
- Consular Establishment, 277

Soldiers, Catholic see *Catholic*

Solicitor-General, The (Sir. W. W. Follett)
- Exchequer Bills, Forged, Rep. *cl.* 5, 1229; *cl.* 6 Amend. 1240; *add. cl.* 1245, 1249
- Marriage Law, Leave, 711

Somerset, Right Hon. Lord G. C. H.
- Cheltenham and Great Western Union Railway, Rep. Amend. 1344, 1346
- Clitheroe Election—Intimidation of Witnesses, 1032, 1033
- Election Petition—Absence of a Member, 757, 758
- Lunatic County Asylums, Inspection of, Leave, 797
- Revenue Commission, 759
- Severn Navigation, Report, 933

Somerville, Sir W. M.
- Consular Establishment, 278

South Australia, c. 512

—— *Eastern Railway, c.* 3R.* 755; *l.* 1R.* 722; 2R.* 929; 3R.* 1109

—— *Metropolitan Gas, c.* 1R.* 419

Southampton Election, c. 420

Southwark Improvement (No. 2), c. 2R.* 136; Rep. 1290; [A. 5, N. 36, M. 31] 1291

Spain, Invasion of, l. 1; *c.* 61;—*l. The French Ambassador*, 502, 514

Speaker, The (Right Hon. C. S. Lefevre)
- Church of Scotland, 645
- Clitheroe Election—Intimidation of Witnesses, 1032, 1034
- Income-Tax—Right of Petitioning, 513, 1118, 1119
- Manufacturers, The—The Truck System, 53, 56, 141, 661, 662, 663
- Party Crimes (Ireland), 155

Special Petty Sessions see *Petty Sessions*

Spirit Duties (Ireland), c. 1R.* 511; 2R.* 837; Rep.* 1027; 3R.* 1109

Spiritual Corporation Leases, l. 2R.* 418

Spy System (Ireland), c. 300

Stade Duties, c. 937

Staley Bridge Gas, c. 3R.* 658; *l.* 1R.* 722; 2R.* 929; 3R.* 1026

Stanhope, Earl
- Poor-Law Returns — Use of Machinery, 413, 417

Stanley, Right Hon. Lord
- Bishoprics, West Indian, 420; Com. 490, 492, 493, 496
- Colonial Passengers, Com. 419, 420
- Income-Tax, Com. 956
- Navy, Estimates, 100
- South Australia, 512
- Southampton Election, 420
- West-Indies—Africa—Emigation; Com. moved for, 1092, 1107, 1108

Staunton, Sir G. T.
- Opium Seized by the Chinese, Compensation for, 769

Stewart, Mr. P. M.
- Corn Importation, Com. *cl.* 29, 1318, 1319; *cl.* 27, 132
- Timber Duties, 1111

Stirlingshire, West, Roads (No. 1), c. 2R.* 136; 3R.* 1339

Stockton and Hartlepool Railway, c. 1R.* 1027

Stourbridge Roads, c. 1R.* 1109

Strutt, Mr. E.
- Corn Importation, Com, 557

Stuart, Mr. W. V.
- Flanaghan, James, Death of, 1077

Sudbury Improvement, c. 1R.* 511

Supply see *Army Estimates—Navy Estimates*

Sutton, Hon. J. H. T. M.
- Marylebone Paving, 219
- Turnpike Trusts, Leave, 1292, 1294

Tadcaster and Otley Road, c. 1R.* 136

Tariff, The, c. 594;—*Errors in*, 838, 1110, 1220 see *Customs—Timber*

Tax on Railways, c. 512

Taxes in Foreign Countries, c. 511

Tay Ferries, c. 1R.* 217

Temperance (Ireland), c. 1115

Tennent, Mr. J. E.
- Copyright of Designs, 2R. 667, 687

Thames Haven Dock and Railway, c. 1R.* 419

Thompson, Mr. Alderman
- Income-Tax, Com. 957

Thornely, Mr. T.
- Corn Importation, Com. *cl.* 26, 1326

Timber, Duties on, l. 836; *c.* 1111

———, *Ships, Overloading of, c.* 303; Com. moved for, 1405; 1R.* 1406

Tin see *Tariff*

Tithes see *Corn Averages*

Torrington, Great, Market, c. 1R.* 511; 2R.* 1027

- *Toxteth Park Paving and Sewerage, c.* 1R.* 419; 2R.* 837

- Troubridge, Sir E. T.
  - Army Estimates, 172
  - Navy Estimates, 201
  - ——, State of the, 1063

- *Truck System, The—The Manufacturers, c.* 47, 140, 655, 661

- Tufnell, Mr. H.
  - Election Petition—Absence of a Member, 758
  - Navy Estimates, 200

- Turner, Mr. E.
  - Turnpike Trusts, Leave, 1294

- *Turnpike Trusts, c.* 1116; Leave, 1292

- *Tyne Fisheries, c.* 1R.* 1027

- *Van Diemen's Land—Customs Duties, l.* 2R.* 202; Rep.* 409; 3R.* 418; Royal Assent, 583

- *Vere's Divorce, l.* 1R.* 1026

- Vernon, Mr. G. H.
  - Exchequer Bills, Forged, Rep. *add. cl.* 1248

- *Victoria Park, c.* 1R.* 584

- Villiers, Hon. C. P.
  - Corn Importation, 2R. 405; Com. 563; *cl.* 29, 1309
  - Manufacturers, The—The Truck System, 50, 52, 53, 56, 149, 151, 661, 662, 666

- Vivian, Hon. Major C. C.
  - Barracks, 1348
  - Corn Importation, 2R. 309

- *Wakefield Road* see *Leeds*

- *Wakey Hill Inclosure, c.* 1R.* 419; 2R.* 584

- Wakley, Mr. T.
  - Burying the Dead in Towns, Com. moved for, 283
  - Child Murders, 722
  - Copyright, 2R. 695; Recom. *cl.* 1, 1374; *cl.* 3, 1401, 1402
  - Corn Importation, Com 568; *cl.* 9, 1320, 1323; *add. cl.* 1337
  - Exchequer Bills, Forged, Rep. *cl.* 6, 1240; *add. cl.* 1246
  - Financial Statement, 486, 488
  - Flanaghan, James, Death of, 1077
  - Income-Tax on Pensions, 608;—Com. 1210; 2d Resolution, 1275
  - Lunatic County Asylums, Inspection of, Leave, 803
  - Marriage Law, Leave, 713
  - Marylebone Paving, 217; 2R. 587
  - Poor-Law—Gilbert Unions, Com. moved for, 818
  - West-Indies—Africa—Emigration, Com. moved for, 1107

- Wallace, Mr. R.
  - Income-Tax, Com. 2 Res. 1268, 1271, 1281; 3 Res. 1289

- Ward, Mr. H. G.
  - Consular Establishment, 278
  - Corn Importation, Com. Amend. 520
  - Financial Statements, 489, 490
  - Income-Tax, 1152

- *Warkworth Harbour, c.* 1R.* 1110

- Wason, Mr. R.
  - Income-Tax, Com. 2nd Resolution, 1268

- *Ways and Means—Financial Statement, c.* 422 see *Income-Tax*

- Wellington, Duke of
  - Adjournment—The Easter Recess, 930
  - Education (Ireland), 412
  - Exchequer Bills, Forgery, Com. moved for, 39
  - Kennedy, Sir R. 9
  - Oaths, 836
  - Poor-Law, 723

- *West Houghton Road* see *Bolton*

- —— *India Bishoprics* see *Bishoprics*

- ———— *Clergy* see *Bishoprics*

- —— *Indies—Africa—Emigration, c.* Com. moved for, 1092

- —— *Stirlingshire Roads* see *Stirlingshire*

- *Weston-super-Mare Improvement, c* 2R.* 41

- *Wicklow Harbour, c,* 1R.* 1027

- Wilde, Sir T.
  - Exchequer Bills, Forged, Rep. *cl.* 5, Amend. 1221; *cl.* 6, 1241; *add. cl. ib.*, 1247
  - Severn Navigation, Report, 933

- Williams, Mr. W.
  - Army Estimates, 166; Amend. 176, 177; 2nd Amend. 179, 180, 181
  - Consular Establishment, 278
  - Copyright of Designs, 2R. 684
  - Income-Tax, Com. 996; 2nd Resolution, 1288
  - Manufacturers, The Master, 144
  - Navy Estimates, 108
  - West-India Clergy, Com. 495

- Wilshire, Mr. W.
  - Yarmouth and Norwich Railway, 2R. 1028

- *Windsor Bridge, c.* 2R.* 217; 3R.* 1027; *l.* 1R.* 1026

- *Witt's Estate, l.* 3R.* 1109

- Wodehouse, Mr. E.
  - Yarmouth and Norwich Railway, 2R. 1028

- Wood, Mr. B.
  - Income-Tax, Com. 1205

- Wood, Mr. C.
  - Banking, 138, 139
  - Corn Importation, 941
  - Income-Tax, Com. 981
  - Lewes Election, 930
  - Marriage Law, Leave, 710
  - Navy Estimates, 101, 117, 195, 198, 199, 200
  - ——, State of the, 1061

Wood, Colonel T. (Brecon)
Corn Importation, 2R. 307; Com. 537; *cl.* 27, 1328
Marylebone Paving, 217, 219

Wood, Colonel T. (Middlesex)
Army Estimates, 177

Wood Paving see *Metropolitan*

Worsley, Lord
Cheltenham and Great Western Union Railway, Report, 1339, 1342, 1344
Corn Importation, 2R. 399, 401, 513; Com. 563; *cl.* 29, 1313; *cl.* 9, 1321; *cl.* 18, 1324, 1325; *cl.* 27, Amend. 1326, 1327; *add. cl.* 1335, 1337
Income-Tax, Com. 927, 928, 929, 1017

Wortley, Hon. J. S.
Corn Importation, Com. *cl.* 2, 578
Financial Statement, 488
Income-Tax, Com. 2nd Resolution, 1278
India, Affairs of, 421
Manufacturers, The—The Truck System, 663, 664

Wortley, Hon. J. S.—*Continued.*
Poor-Law—Gilbert Unions, Com. moved for, 827

Wrexham and Mold Road, c. 1R* 584

Wynford, Lord
Evidence, Law of, 2R. 214

Wynn, Right Hon. C. W. W.
Copyright, Recom. *cl.* 3, 1394
Lunatic County Asylums, Inspection of, Leave, 807
Opium seized by the Chinese, Compensation for, 787
Southampton Election, 420

Yarmouth and Norwich Railway, c. 1R.* 584; 2R. 1027 [A. 75, N. 16, M. 59], 1028

Yate Inclosure, c. 1R.* 419; 2R.* 837

York Cathedral, c. 1R.* 511

Yorke, Mr. H. R.
Poor-Law—Gilbert Unions, Com. moved for, 824

END OF VOL. LXI.

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